

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-14.047 Personnel Records

PURPOSE AND EFFECT: The purpose of this rule development is to reflect 2012 changes to Section 1012.81, Florida Statutes. The effect will be the alignment with statutory provisions and additional specificity with which colleges are to maintain limited – access records.

SUBJECT AREA TO BE ADDRESSED: Florida College System institution personnel records.

RULEMAKING AUTHORITY: 1012.81 FS.

LAW IMPLEMENTED: 1012.81 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850) 245-9523, Julie.Alexander@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NOS.: RULE TITLES:
12-2.021 Purpose
12-2.027 System for Indexing Final Orders
12-2.028 Maintenance of Final Orders

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-2.021, F.A.C. (Purpose), Rule 12-2.027, F.A.C. (System for Indexing Final Orders), and Rule 12-2.028, F.A.C. (Maintenance of Final Orders), is to remove unnecessary requirements and provisions regarding the indexing and handling of final orders that are redundant of Department of

State Rules 1B-32.001 and 1B-32.002, F.A.C., of Rule Chapter 1B-32, F.A.C. (Indexing, Management, and Availability of Final Orders).

SUMMARY: The proposed repeal of Rule 12-2.021, F.A.C. (Purpose), removes provisions that are repetitive of requirements for the indexing or listing of final orders provided in Rule 12-2.023, F.A.C. (Final Orders Required to be Indexed), and Rule 12-2.024, F.A.C. (Listing of Final Orders).

The proposed repeal of Rule 12-2.027, F.A.C. (System for Indexing Final Orders), removes provisions repetitive of subsection (2) of Department of State Rule 1B-32.002, F.A.C. (Minimum Indexing Requirement), which requires agencies to maintain an alphabetical subject matter index of final orders.

The proposed repeal of Rule 12-2.028, F.A.C. (Maintenance of Final Orders), removes provisions repetitive of subsection (2) of Department of State Rule 1B-32.001, F.A.C. (General Information), which requires agencies to maintain final orders according to the retention schedule approved by the Division of Library and Information Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for indexing or listing of final orders and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.533(1), 120.54(1), 213.06(1) FS.

LAW IMPLEMENTED: 119.041(2), 120.53(1), (2), (3), (4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-2.021 Purpose.

Rulemaking Specific Authority 120.54(1) FS. Law Implemented 120.53(1), (2), (3) FS. History—New 11-11-92, Repealed.

12-2.027 System for Indexing Final Orders.

Rulemaking Specific Authority 120.533(1), 213.06(1) FS. Law Implemented 120.53(2), (3), (4) FS. History—New 11-11-92, Repealed.

12-2.028 Maintenance of Final Orders.

Rulemaking Specific Authority 120.533(1), 213.06(1) FS. Law Implemented 119.041(2) FS. History—New 11-11-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2890-2891), to advise the public of the proposed repeal of Rule 12-2.021, F.A.C. (Purpose), Rule 12-2.027, F.A.C. (System for Indexing Final Orders), and Rule 12-2.028, F.A.C. (Maintenance of Final Orders), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-3.006
 RULE TITLE: Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders

PURPOSE AND EFFECT: Subsection (3) of Rule 12-2.022(3), F.A.C. (Public Inspection and Copying), designates the Florida Administrative Law Reporter as the Department’s official reporter for final orders, except for child support enforcement. The purpose of the proposed repeal of Rule 12-3.006, F.A.C. (Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders), which also designates the official reporter of the Department for its final orders, is to remove this rule that is redundant of subsection 12-2.022(3), F.A.C.

SUMMARY: The proposed repeal of Rule 12-3.006, F.A.C. (Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders), removes provisions regarding the Department’s official reporter for final orders that are redundant of subsection 12-2.022(3), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for designating official reporters for agency orders and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.53(1)(c), (2)(a), 213.06(1) FS.

LAW IMPLEMENTED: 20.05, 120.53(1), (2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.
 PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-3.006 Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders.

Rulemaking Specific Authority 120.53(1)(c), (2)(a), 213.06(1) 120.54(1) FS. Law Implemented 20.05, 120.53(1), (2) FS. History—New 2-14-80, Amended 8-26-81, Formerly 12-3.06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2891), to advise the public of the proposed repeal of Rule 12-3.006, F.A.C. (Designation of Official Reporter to Publish and Index Subject Matter Relating to Agency Orders), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-15.001	Debt Collection Contracts
12-15.005	Confidentiality

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12-15, F.A.C. (Debt Collection Services), is to remove provisions that are redundant of Section 213.27, F.S.,

or are unnecessary. The repeal of the rule sections in Rule Chapter 12-15, F.A.C., will remove unnecessary rules on debt collections contracts authorized under Section 213.27, F.S.

SUMMARY: The proposed repeal of Rule 12-15.001, F.A.C. (Debt Collection Contracts), removes unnecessary provisions regarding the Department's authority under Section 213.27, F.S., to enter into contracts with debt collection agencies to collect certain delinquent taxes.

The proposed repeal of Rule 12-15.005, F.A.C. (Confidentiality), removes unnecessary provisions regarding the confidentiality of state tax information required in the performance of contracts with the Department to collect certain delinquent taxes that are provided in Section 213.27, F.S., and in subsection 12-22.004(5), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities to contract for debt collection services and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.27 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-15.001 Debt Collection Contracts.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 213.27 FS. History—New 3-2-86, Amended 12-7-92, 11-17-93, Repealed _____.

12-15.005 Confidentiality.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 213.27 FS. History—New 3-2-86, Amended 11-17-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2893), to advise the public of the proposed repeal of Rule Chapter 12-15, F.A.C. (Debt Collection Services), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-18.008 RULE TITLE: Compensation for Vending Machine Violations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), is to update the notice to customers that must be affixed to a vending machine by the operator of the machine, as provided in Section 212.0515(3), F.S., as amended by Section 6, Chapter 2010-138, L.O.F., and provided in Rule 12A-1.044, F.A.C.

SUMMARY: The proposed amendments to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), reflect changes to the notice required to be placed on vending machines by operators.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the required notice placed on vending machines and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.0515(7), 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 212.0515, 213.30 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850) 617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-18.008 Compensation for Vending Machine Violations.

(1) No change.

(2) Operators of vending machines must be registered with the Department of Revenue, and must affix a notice to each food or beverage machine which contains the Notice to Customers, as provided in states the operator's name, address, and Federal Identification (FEI) number or sales tax registration number. (See Rule 12A-1.044, F.A.C., ~~for additional information on notices.~~)

(3) through (7) No change.

Rulemaking Authority 212.0515(7), 213.06(1), 213.30(1) FS. Law Implemented 212.0515, 213.30 FS. History—New 5-11-92, Amended 10-19-99, 6-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2894), to advise the public of the proposed amendment to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NO.: 12-19.001 RULE TITLE: Scope of Rule

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-19.001, F.A.C. (Scope of Rule), is to remove unnecessary provisions that are redundant of provisions contained in Rule 12-19.002, F.A.C., regarding the reporting of large currency transactions pursuant to the Money Laundering Control Act.

SUMMARY: The proposed repeal of Rule 12-19.001, F.A.C., removes unnecessary provisions regarding the reporting requirements of the Money Laundering Control Act.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 896.102(3) FS.

LAW IMPLEMENTED: 896.102 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-19.001 Scope of Rule.

Rulemaking Authority 896.102(3) FS. Law Implemented 896.102 FS. History—New 2-18-88, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2894), to advise the public of the proposed repeal of Rule 12-19.001, F.A.C. (Scope of Rule), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-22.001	Scope of Rules
12-22.002	Definitions
12-22.003	Confidentiality of Tax Information
12-22.004	Access to Tax Information
12-22.005	Disclosure Procedures

PURPOSE AND EFFECT: Section 213.053, F.S. (Confidentiality and Information Sharing), provides that all information contained in returns, reports, accounts, or declarations received by the Department are confidential, except for official purposes. This section provides when confidential information may be made available to specified agencies for use in the performance of their official duties. In addition, federal tax information obtained by the Department from the Internal Revenue Service is held confidential pursuant to federal law and regulation.

The purpose of the proposed changes to Rule Chapter 12-22, F.A.C. (Confidentiality and Disclosure of Tax Information), is to repeal those rules that are redundant of Section 213.053, F.S., and to update those rules providing how to request information that may be released by the Department.

SUMMARY: The proposed repeal of Rule 12-22.001, F.A.C. (Scope of Information), Rule 12-22.003, F.A.C. (Confidentiality of Tax Information), and Rule 12-22.004, F.A.C. (Access to Tax Information), removes unnecessary rules redundant of the statutory provisions regarding the confidentiality of information received by the Department.

The proposed amendments to Rule 12-22.002, F.A.C. (Definitions): (1) update the definition of “return” to reflect the definition provided in Section 213.755(2)(a), F.S.; and (2) remove definitions of terms rendered unnecessary by the proposed repeal of Rules 12-22.003 and 12-22.004, F.A.C.

The proposed amendments to Rule 12-22.005, F.A.C. (Disclosure Procedures): (1) clarify that a Power of Attorney and Declaration of Representative (Form DR-835) must be executed by the taxpayer and the taxpayer’s representative for the Department to release tax information to the representative; (2) remove information redundant of Rule 12-6.0015, F.A.C., on how to obtain a copy of Form DR-835; (3) provide that Form DR-841, Request for Copy of Tax Return, may be utilized to request copies of tax returns and how to obtain the form from the Department; (4) provide how government

agencies and officials may request tax information from the Department; (5) provide how to request information from the Department involving the administration of a bankruptcy estate; (6) provide where in the Department subpoenas for disclosure of reports of large currency transactions and criminal and RICO Act subpoenas are to be served; and (7) update the addresses contained in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with providing how to request tax information from the Department and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 213.06(1), 213.22(4) FS.

LAW IMPLEMENTED: 24.108(5), 125.0104, 125.0108, 192.105, 193.074, 195.027, 195.084, 196.101, 201.022, 206.27, 211.125, 211.33, 212.0305(3)(d), 212.10(1), 212.084, 212.12, 212.13, 213.03, 213.05, 213.053, 213.0535, 213.054, 212.133, 213.21, 213.22, 213.27, 213.28, 213.30, 213.755(2)(a), 220.242, 336.025(2)(a), 370.07(3), 403.718, 403.7185, 403.7195, 538.11, 624.5092, 896.102 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-22.001 Scope of Rules.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 192.105, 193.074, 195.027, 195.084, 196.101, 201.022, 206.27, 211.125, 211.33, 212.0305(3)(d), 213.053, 213.21, 213.22, 213.27, 220.242, 336.025(2)(a), 896.102(2) FS. History—New 12-18-88, Repealed.

12-22.002 Definitions.

For the purposes of this rule chapter, the terms ~~and phrases used in these rules shall~~ have the meanings prescribed in this section, ~~unless a different meaning is clearly indicated by the context in which the term or phrase is used.~~

(1) “Department” means the Florida Department of Revenue.

(2) “Disclosure” means making known or available to any person in any manner whatsoever, a return, return information, state tax information, or federal tax information.

~~(3) “Debt collection agency” means any person or entity with whom the Department has contracted for the collection of taxpayers’ liabilities, as authorized pursuant to Section 213.27, F.S. “Private auditor” means a certified public accountant with whom the Department has contracted to audit taxpayer accounts pursuant to Section 213.28, F.S.~~

~~(3)(4)~~ “Federal tax information” means any tax information furnished to the Department by the Internal Revenue Service.

~~(4)(5)~~ “Return” means any report, claim, statement, notice, application, affidavit, or other document required to be filed within a prescribed period or on or before a prescribed date under the authority of any provision of those documents, declarations, reports, schedules, amendments, or other written statements filed with the Department by a taxpayer under a revenue law of this state which or rules of the Department has the responsibility of regulating, controlling, and administering. This term includes any copy of a federal income tax return or other attachments which are designed to be supplemental to, or become a part of, a return. ~~However, the annual report required of taxpayers who claim the enterprise zone jobs credit under ss. 220.181(3) and 212.096(4), F.S., is not included in the definition of return.~~

~~(5)(6)~~ No change.

~~(7)~~ “Revenue laws of this state” mean those laws enumerated in Section 213.053(1), F.S.

(8) through (11) Renumbered (6) through (9) No change.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 212.12, 212.13, 212.133, 213.755(2)(a), 213.03, 213.053, 213.28 FS. History—New 12-18-88, Amended 11-14-91, 6-23-92, _____.

12-22.003 Confidentiality of Tax Information.

Rulemaking Specific Authority 213.06(1) FS. Law Implemented 125.0104, 125.0108, 192.105, 193.074, 195.027, 195.084, 196.101, 201.022, 206.27, 211.125, 211.33, 212.0305, 212.084, 213.053, 213.21, 213.22, 213.27, 220.242, 336.025, 370.07(3), 403.718, 403.7185, 403.7195, 538.11, 624.5092, 896.102(2) FS. History—New 12-18-88, Amended 2-13-91, 11-14-91, 6-23-92, Repealed.

12-22.004 Access to Tax Information.

Rulemaking Authority 213.06(1) FS. Law Implemented 24.108(5), 212.10(1), 213.05, 213.053, 213.0535, ~~213.054~~, 213.22, 213.27, 213.28, 213.30, 896.102 FS. History—New 12-18-88, Amended 12-6-89, 2-13-91, 11-14-91, 1-5-93, 12-13-94, Repealed.

12-22.005 Disclosure Procedures.

(1) Taxpayer Requests for Tax Information.

(a) The Department will permit taxpayers or their authorized representatives to inspect and receive copies of the taxpayer’s tax returns and related documents filed with the Department, when lawfully requested. Department records are maintained by the Records Center Manager, Return and Revenue Processing, Florida within the Department of Revenue, 2450 Shumard Oak Boulevard, Records Management Room 1 4364, 5050 West Tennessee Street, Tallahassee, Florida 32399-0158, and are available for authorized inspection Monday through Friday, excluding legal holidays, between the hours of 8:00 a.m. and 5:00 p.m.

1. Taxpayers seeking disclosure of their confidential tax information in person must establish proper identification, such as a valid driver’s license or personal identification card. The signature of the taxpayer will also be compared with the signature displayed on the appropriate identification instrument;

2. Taxpayer representatives requesting confidential information in person are also required to established proper identification.

3. A taxpayer may authorize his or her representatives to receive confidential state tax information by filing a completed Power of Attorney and Declaration of Representative (Form DR-835, incorporated by reference in Rule 12-6.0015, F.A.C.), signed by the taxpayer and the representative. A taxpayer’s representative must present the executed Power of Attorney and Declaration of Representative to the Department notarized authorization or power of attorney from the taxpayer must be presented prior to the release of confidential state tax information. See (2)(b)3. of this rule.

(b) Taxpayers or their authorized representatives, after establishing their identity, may inspect, in person, any state tax documents filed by or on behalf of the same taxpayer. Audit

reports that have previously been furnished to the taxpayer may also be inspected. However, audit workpapers, interoffice communications, investigative reports, and cover letters expressing opinions may not be inspected without prior authorization from the Executive Director or the Assistant Executive Director or their delegate.

(c) Prior to making state tax information available for inspection or copying, the custodian or employee making disclosure will shall disassociate all federal tax information and all other reports, documents, or information, the release of which is not authorized.

(2) Written Requests for Tax Information by a Taxpayer, Taxpayer's Representative, or Personal Representative of an Estate.

(a) 1. a. A taxpayer, a taxpayer's authorized representative, or the personal representative of an estate may request a copy of the taxpayer's returns by submitting a completed and signed Request for Copy of Tax Return (Form DR-841, R. 03/11, hereby incorporated by reference, effective) or a written request directed to the Records Center Manager, Return and Revenue Processing, Records Management, MS Room-1-4364, 5050 West Tennessee Street, Tallahassee, Florida 32399-0158.

b. Copies of forms may be obtained, without cost, by: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at (800)955-8770 (Voice) and (800)955-8771 (TTY).

2. A written request must be submitted on the business' letterhead and must include: the federal identification number or social security number of the owner, business mailing address, records requested, and the signature of the owner or a registered officer of the business.

3. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers obtained for tax administration purposes are confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records. Collection of an individual's social security number is authorized under state and federal law. Visit the Department's Internet site at www.myflorida.com/dor and select "Privacy Notice" for more information regarding the state and federal law governing the collection, use, or release of social security numbers, including authorized exceptions.

~~(b)(a)~~ Included in those classes of persons who are allowed access to previously submitted state tax information upon written request are the authorized representatives of corporations, partnerships, trusts, estates, receiverships, and other artificial entities.

~~(b)~~ Written requests for tax information shall be signed by the taxpayer or the taxpayer's authorized representative and shall state taxpayer's name, address, account number, the type or class of tax and taxable period of the records requested. Requests received from corporations must be signed by a principal officer and attested to by the secretary or another officer of the corporation.

~~(c) 1.~~ All copies of state tax returns filed by or on behalf of a taxpayer are sent directly to the taxpayer's address of record unless the taxpayer requests, ~~by power of attorney or proper written authorization~~, that the information be sent to another address.

2. A taxpayer's representative ~~must may~~ be authorized to receive copies of state tax returns and state tax information on behalf of the taxpayer. An authorized representative must attach an executed Power of Attorney and Declaration of Representative (Form DR-835) to the Request for Copy of Tax Return (Form DR-841) The taxpayer must submit written authorization for such disclosure prior to the release of any returns or return information by the Department.

~~3. A taxpayer may authorize his representative to receive confidential state tax information by a documented Power of Attorney filed with the Department. The Department prescribes form DR-835, Power of Attorney and Declaration of Representative (incorporated by reference in Rule 12-6.0015, F.A.C.), as the form to be used for the purposes of this chapter.~~

~~3.4.~~ The Department will shall review all written requests for state tax information and determine the authenticity of the request prior to disclosing any confidential tax information. Any document which authorizes a taxpayer's representative to receive confidential state tax information submitted by the taxpayer should be included with the written request for tax records and directed to the Records Center Manager, Return and Revenue Processing, Records Management Room 1-4364, 5050 West Tennessee Street, Tallahassee, Florida 32399-0158.

(3) Telephone Requests for Tax Information. Department employees may disclose confidential state tax information by telephone only when the identity of the caller is established as that of the taxpayer or the taxpayer's his authorized representative.

(a) Persons who claim to be taxpayers will be advised that the requested information must be researched for a return call. The return telephone number must be verified as belonging to the taxpayer prior to the disclosure of any state tax information.

(b) A person who claims to be an authorized representative of a taxpayer must have a completed Power of Attorney and Declaration of Representative (Form DR-835) signed by the

~~taxpayer and the representative letter of authorization or power of attorney on file with the Department. The representative will be advised that upon verification of such authorization, requested state tax information will be researched for a return call. The return telephone number must be verified as belonging to the authorized taxpayer representative prior to the disclosure of any tax information.~~

(c) Persons who request copies of state tax information by telephone will be advised that the requested information will be mailed to the address of the taxpayer on record, ~~unless the taxpayer submits a written authorization requesting that the documents be sent elsewhere.~~

(4) Written Requests for Tax Information by Government Agencies and Officials. The Department may provide tax information to any federal, state, or local agency or official specifically authorized by Section 213.053, F.S. All requests for information must be in writing and directed to the Security and Disclosure Officer, Florida Department of Revenue, P.O. Box 6668, Tallahassee, Florida 32314-6668, for review and clearance prior to disclosure. The Security and Disclosure Officer maintains all written agreements between the Executive Director and agencies authorized to receive information and periodically reviews the procedures and the disclosure activity of the Department to ensure compliance with statutes governing the confidentiality of tax information. Any questions or requests not covered by existing procedures or agreements must be directed to the Security and Disclosure Officer. Requests for Statistical Information. Statistical reports, compiled from tax return information, shall be released by the Department if such tabulations are so classified to prevent the identification of particular accounts, reports, declarations, or returns. All requests seeking statistical information compiled from tax return information should be addressed to the Program Director, Information Services Program, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Requests which require special programming will be subject to a fee based on the cost of preparation.

(5) Written Requests for Tax Information Involving the Administration of a Bankruptcy Estate. Requests for information allowed under Section 213.053(12), F.S., must be directed to the Administrator, Bankruptcy Section, Florida Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668.

~~(6)(5) No change.~~

(7) Subpoenas under Section 213.053(8), F.S., seeking disclosure of reports of large currency transactions filed with the Department under Section 896.102(1), F.S., should be addressed to the Criminal Investigations Process Owner, Florida Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0100, as custodian of the reports.

(8) Orders of a judge and criminal and RICO Act subpoenas which seek disclosure of all other tax information should be served on the Records Manager, Florida Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0158, as the designated custodian of records for the Department.

Rulemaking Authority 213.06(1), 213.22(4) FS. Law Implemented 213.053, 213.22 FS. History—New 12-18-88, Amended 1-25-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2894-2895), to advise the public of the proposed changes to Rule Chapter 12-22, F.A.C. (Confidentiality and Disclosure of Tax Information), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-24.011	Public Use Forms
12-24.028	Alternative Storage Media
12-24.030	Records Retention – Time Period

PURPOSE AND EFFECT: Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers that are obtained for tax administration purposes continue to remain confidential under Sections 213.053 and 119.071, F.S., and are not subject to disclosure as public records.

The purpose of the proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), is to adopt changes to the enrollment application used to enroll in the Department's e-Services Program to include the privacy notice and to simplify the application. The purpose of the proposed amendments to Rule 12-24.028, F.A.C. (Alternative Storage Media), and the proposed repeal of Rule 12-24.030, F.A.C. (Records Retention – Time Period), update references and repeal unnecessary provisions.

SUMMARY: The proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), adopt, by reference: (1) simplification of the tax types and filing method selections contained in Form DR-600 (Enrollment and Authorization for

e-Services Program); and (2) changes that will update the privacy notice statement on Form DR-654 (Request for Waiver from Electronic Filing), used by the Department in the administration of the e-Services program.

The proposed amendments to Rule 12-24.028, F.A.C. (Alternative Storage Media), change the reference regarding recordkeeping requirements to Section 213.35, F.S.

The proposed repeal of Rule 12-24.030, F.A.C. (Records Retention - Time Period), removes an unnecessary rule that only refers to a statutory provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for updating references, and simplifying applications and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3), 443.1317, 443.163(1) FS.

LAW IMPLEMENTED: 119.071(5), 202.30, 206.485, 212.08(5)(q), 213.34, 213.35, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I ELECTRONIC FUNDS TRANSFER AND RETURN SUBMISSION

12-24.011 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department for the purposes of the e-Services Program and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-600	Enrollment and Authorization for e-Services Program (R. 03/11)	06/11

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00268>)

(3) DR-654	Request for Waiver from Electronic Filing (R. 01/09)	06/09
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Rulemaking Authority 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3), ~~443.163(1)~~ FS. Law Implemented 119.071(5), 202.30, 206.485, 212.08(5)(q), 213.755, 220.21(2), (3), 443.1317, 443.163 FS. History—New 6-1-09, Amended 6-28-10, 6-6-11,_____.

PART II TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS

12-24.028 Alternative Storage Media.

(1) No change.

(2) Microfilm, microfiche, and other storage-only imaging systems shall meet the following requirements.

(a) No change.

(b) Procedures must be established for the effective identification, processing, storage, and preservation of the stored documents and for making them available for the period they are required to be retained under Section 213.35, F.S. Rule 12-24.030, F.A.C.

(c) through (f) No change.

Rulemaking Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 10-24-96, Amended 4-30-02,_____.

12-24.030 Records Retention – Time Period.

Rulemaking Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 10-24-96, Amended 4-30-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2895-2896), to advise the public of the proposed amendments to Rule 12-24.011, F.A.C. (Public Use Forms), 12-24.028, F.A.C. (Alternative Storage Media), and the proposed repeal of Rule 12-24.030, F.A.C. (Records Retention – Time Period), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.003	Sales of Several Items to the Same Purchaser at the Same Time
12A-1.014	Refunds and Credits for Sales Tax Erroneously Paid
12A-1.034	Promotional Materials Exported from this State
12A-1.035	Funerals; Related Merchandise and Services
12A-1.0371	Sales of Coins, Currency, or Bullion
12A-1.038	Consumer's Certificate of Exemption; Exemption Certificates
12A-1.039	Sales for Resale
12A-1.044	Vending Machines
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations
12A-1.059	Fuels
12A-1.064	Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate and Foreign Commerce
12A-1.0641	Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes
12A-1.068	Tire Recapping

12A-1.0911 Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors

12A-1.097 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), is to: (1) repeal an unnecessary rule that restates the statutory requirement of Section 212.12(9), F.S., to collect tax on each single sale; (2) remove obsolete provisions regarding refund applications for tax paid on or after October 1, 1994, and prior to July 1, 1999; (3) reflect the transfer of the licensing of funeral directors from persons licensed under Chapter 470, F.S. (Funeral Directing, Embalming, and Direct Disposition), to persons licensed under Part III, Chapter 497, F.S., (Funeral Directing, Embalming, and Related Services), to reflect the provisions of Chapter 2004-301, L.O.F., which amended and renumbered Chapter 470, F.S., to Part III, Chapter 497, F.S.; (4) correct the value of a U.S. Double Eagle Coin from \$40 to \$20; (5) remove obsolete provisions that required dealers to maintain blanket resale and exemption certificates; (6) remove the requirement for churches, synagogues, and qualified sponsoring organizations to place their name and address on vending machines they operate to reflect Section 212.0515(3), F.S., as amended by Section 6, Chapter 2010-138, L.O.F.; (7) remove obsolete provisions regarding the application of tax to agreements between a vending machine owner and the owner of the location where the machine is placed for operation entered into prior to July 1, 1991; (8) remove obsolete provisions regarding the imposition of interest; (9) repeal provisions regarding the charge for filling 22-pound liquefied petroleum gas tanks that are obsolete; (10) remove an unnecessary rule regarding the taxability of tires repaired or altered by recapping; (11) remove the requirement for holders of direct pay permits to submit an annual report of the amount of total purchases by county; and (12) adopt, by reference, updates to the Certificate of Exemption for Entertainment Industry Qualified Production Company.

SUMMARY: The proposed repeal of Rule 12A-1.003, F.A.C. (Sales of Several Items to the Same Purchaser at the Same Time), removes unnecessary rule provisions requiring sales tax to be collected on each single sale.

The proposed amendments to Rule 12A-1.014, F.A.C. (Refunds and Credits for Sales Tax Erroneously Paid), Rule 12A-1.034, F.A.C. (Promotional Materials Exported from this State), Rule 12A-1.064, F.A.C. (Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate and Foreign Commerce), and Rule 12A-1.0641, F.A.C. (Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes), remove obsolete provisions regarding when an application for refund must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999.

The proposed amendments to Rule 12A-1.035, F.A.C. (Funerals; Related Merchandise and Services), replace reference to persons previously licensed or registered under Chapter 470 or 497, F.S., to those persons licensed under Chapter 497, F.S.

The proposed amendments to Rule 12A-1.0371 (Sales of Coins, Currency, or Bullion), correct the referenced value of a U.S. Double Eagle Coin.

The proposed amendments to Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates), and Rule 12A-1.039, F.A.C. (Sales for Resale), remove obsolete provisions which required dealers to maintain blanket resale and exemption certificates and obsolete references to other suggested exemption certificates.

The proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines): (1) remove the requirement for churches, synagogues, and qualified sponsoring organizations to place their name and address on vending machines they operate; and (2) remove obsolete provisions regarding the application of tax to agreements between a vending machine owner and the owner of the location where the machine is placed for operation entered into prior to July 1, 1991.

The proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), remove provisions regarding the imposition of interest on tax due prior to January 1, 2000.

The proposed amendments to Rule 12A-1.059, F.A.C. (Fuels): (1) remove provisions regarding the filling of 22-pound liquefied petroleum gas tanks that are no longer available; and (2) provide that the charge for filling liquefied petroleum gas tanks with gas to be used for purposes of residential heating, cooking, lighting, or refrigeration is tax-exempt when the selling dealer documents the tax-exempt use of the gas on the customer's invoice or other written evidence of sale.

The proposed repeal of Rule 12A-1.068, F.A.C. (Tire Recapping), removes an unnecessary rule regarding the recapping of tires and the sale of recapped tires.

The proposed amendments to Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors), remove the requirement for holders of direct pay permits to submit an annual report of the amount of total purchases by county.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, updates to Form DR-231, Certificate of Exemption for Entertainment Industry Qualified Production Company, to remove obsolete taxpayer contact information and to correctly title the Florida Office of Film and Entertainment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules and obsolete provisions of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.0515, 212.07(1)(b), 212.17(6), 212.18(2), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 95.091, 212.02(2), (4), (9), (10)(g), (14), (15), (16), (19), (20), (24), 212.031, 212.05(1), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.0598, 212.06(1), (11), (16), 212.0601, 212.07(1), (2), 212.08(1), (2), (4)(a), (5)(m), (6), (7), (8), (9), 212.085, 212.11(1), 212.12(2), (3), (4), (6), (9), (13), 212.13(1), 212.13(5)(c), (d), 212.17(1), 212.18(2), (3), 212.183, 212.21(2), (3), 213.053(1), 213.255(1), (2), (3), 213.35, 215.26(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.003 Sales of Several Items to the Same Purchaser at the Same Time.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.12(9) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.03, ~~Repealed~~.

12A-1.014 Refunds and Credits for Sales Tax Erroneously Paid.

(1) through (4) No change.

(5)(a) Any dealer entitled to a refund of tax paid to the Department of Revenue may seek a refund by filing an Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department within 3 years after the date the tax was paid. Form DR-26S must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

~~1. Form DR-26S, Application for Refund-Sales and Use Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~2. Form DR-26S, Application for Refund-Sales and Use Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

(b) No change.

(6) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), 213.255(11) FS. Law Implemented 95.091, 212.12(6), 212.17(1), 213.255(1), (2), (3), 213.35, ~~213.255(1), (2), (3)~~, 215.26(2) FS. History—Revised 10-7-68, Amended 1-17-71, Revised 6-16-72, Amended 10-21-75, 9-28-78, 11-15-82, 10-13-83, Formerly 12A-1.14, Amended 6-10-87, 1-2-89, 8-10-92, 3-17-93, 1-3-96, 3-20-96, 6-19-01, 4-17-03, _____.

Cross Reference – Rules 12A-1.007, 12A-1.034, and 12A-1.096, F.A.C., and Rule Chapter 12-26, F.A.C.

12A-1.034 Promotional Materials Exported from this State.

(1) through (5) No change.

(6)(a) To receive a refund of tax paid to the Department for promotional materials, the dealer must file an Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department within 3 years after the date the tax was paid. Form DR-26S must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., and a refund shall not be approved; before the date the promotional materials are exported from this state.

~~1. Form DR-26S, Application for Refund-Sales and Use Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~2. Form DR-26S, Application for Refund-Sales and Use Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

(b) through (c) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091, 212.02(4), (14), (16), (20), 212.06(11), 212.183(6), 213.255(1), (2), (3), 215.26(2) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.34, Amended 5-19-93, 11-16-93, 6-19-01, 4-17-03, _____.

12A-1.035 Funerals; Related Merchandise and Services.

(1) No change.

(2)(a)1. The following at-need sales to consumers by any person licensed ~~or registered~~ under the provisions of Chapter ~~470 or~~ 497, F.S., are not subject to tax:

a. The sale of funeral or burial services;

b. The sale of funeral or burial merchandise sold in conjunction with the sale of a funeral or burial service; and

c. The sale of funeral or burial merchandise that is installed at the consumer’s designated location.

2. The sale of funeral or burial merchandise is presumed to be made in conjunction with the sale of funeral or burial services when the seller of the merchandise is required to deliver the merchandise to any person licensed to provide funeral or burial services.

3. The purchase of funeral or burial merchandise by any person licensed ~~or registered~~ under the provisions of Chapter ~~470 or~~ 497, F.S., for use in providing funeral or burial services or for installation at the consumer’s designated location is subject to tax at the time of purchase.

(b) Charges to a consumer for funeral or burial merchandise sold under the provisions of a pre-need contract authorized by Chapter 497, F.S., are not subject to tax. When merchandise is purchased by any person licensed under ~~Chapter 470, F.S., or by a holder of a Certificate of Authority issued pursuant to~~ Chapter 497, F.S., to be provided at the time of death of the individual for whom the contract was purchased, tax is due at the time of purchase.

(3) through (5) No change.

(6) An Annual Resale Certificate (Form DR-13) may be extended to the selling dealer to purchase funeral or burial merchandise tax exempt for the purposes of resale when:

(a) The applicable tax is collected from the consumer at the time of sale;

(b) The merchandise is not purchased for use by any person licensed under Chapter ~~470 or~~ 497, F.S., to provide funeral or burial services to a consumer; and

(c) The merchandise is not installed at the consumer’s designated location.

(7) through (8) No change.

Rulemaking Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), (c), 212.06(1), 212.08(2), (7)(v) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.35, Amended 6-19-01,_____.

12A-1.0371 Sales of Coins, Currency, or Bullion.

(1) through (2) No change.

(3)(a)1. The sale of coins or currency, in a single transaction, is exempt when the sales price charged for coins or currency that are not legal tender of the United States or legal tender of another country sold at its face value exceeds \$500.

2. Example: In one transaction, an investor purchases one United States ~~\$20~~ \$40 coin, called a gold double eagle, for \$295, one Krugerrand for \$295, and one one-ounce gold ingot for \$295. Because the gold double eagle is United States legal tender, its sale is not subject to tax. The sale of the gold ingot is not a taxable sale of coins or currency, but is a taxable sale of bullion. The sale of the Krugerrand is a taxable sale of coins or currency. Because the portion of the sales price charged for taxable coins or currency is \$295, the transaction does not qualify for exemption and the sale of the Krugerrand and the ingot is taxable.

(b) through (c) No change.

(4) through (6) No change.

Rulemaking Authority 212.05(1)(j), 212.08(7)(ww), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(j), 212.08(7)(ww) FS. History—New 3-17-93, Amended 10-17-94, 6-28-00,_____.

12A-1.038 Consumer's Certificate of Exemption; Exemption Certificates.

(1) through (5) No change.

(5) SALES EXEMPT BASED ON THE USE OF THE PROPERTY OR SERVICES.

(a) through (c) No change.

(d)1. No change.

2. As provided in subparagraph (a)2. of this subsection, there are other suggested formats for exemption certificates based on the use of the property or services that are provided in other sections of Rule Chapter 12A-1, F.A.C., and in Taxpayer Information Publications (TIPs) issued by the Department. The following is a list of these suggested formats of exemption and the applicable rule section or TIP number that suggests the exemption certificate format. This list is not intended to be an exhaustive list:

a. through e. No change.

~~f. Lease or License of Real Property Upon Which Certain Antennas, Equipment, and Structures are Placed. See Rule 12A-1.070, F.A.C.~~

g. through m. Renumbered f. through l. No change.

~~n. Solar Energy Systems and Components. See TIP 05A01-5, dated September 20, 2000.~~

(6) RECORDS REQUIRED. Selling dealers must maintain ~~blanket resale and exemption certificates based on the Department's suggested format provided in Rule 12A-1.039, F.A.C., effective 12-13-94, as well as exemption affidavits, exemption certificates, copies of Consumer's Certificates of Exemption, Transaction Authorization Numbers, Vendor Authorization Numbers, and other documentation required under the provisions of this rule, other rule sections of Rule Chapter 12A-1, F.A.C., or suggested in Taxpayer Information Publications, until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage by the selling dealer of the required affidavits, certificates, or other documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.~~

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(4), (14)(c), 212.05(1)(j), 212.06(1)(c), (16), 212.0601, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.18(2), (3), 212.21(2) FS. History—Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94, 10-2-01, 6-12-03, 7-31-03, 6-28-04, 11-6-07, 9-1-09,_____.

12A-1.039 Sales for Resale.

(1) through (5) No change.

(6) RECORDS REQUIRED. ~~Resale certificates created and issued by purchasers that were based on the Department's suggested format provided in Rule 12A-1.039, F.A.C., effective 12-13-94, are valid only for the purpose of documenting sales for resale made prior to February 1, 2000. The selling dealer must also maintain copies of receipts, invoices, billing statements, or other tangible evidence of sales, copies of Annual Resale Certificates and other certificates, and Vendor Resale Authorization and Transaction Authorization Numbers until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage by the selling dealer of the copy of the Annual Resale Certificate or other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.~~

(7) through (8) No change.

Rulemaking Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b), (i), 212.07(1), 212.085, 212.13(5)(c), (d), 212.17(6), 212.18(2), (3), 212.21(2), 213.053(10) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, 9-26-77, Amended 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94, 10-2-01, 6-12-03, 11-6-07, 9-1-09,_____.

12A-1.044 Vending Machines.

(1) No change.

(2) All sales made through vending machines of food, beverages, or other items are taxed in the manner provided in Section 212.0515(2), F.S., except as provided in paragraphs (a)

~~and (b)-(e).~~ See subsection (2) of Rule 12A-15.011, F.A.C., for the effective tax rates for sales made through vending machines in counties imposing a discretionary sales surtax.

(a) Receipts from vending machines owned and operated by churches or synagogues are exempt. Such entities are not required to post a notice as required in subsection (4). ~~However, the name and address of the church or synagogue should be affixed to such machines.~~

(b) Food and drinks sold for human consumption for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation under s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended, are exempt. ~~The nonprofit corporation is not required to post a notice as required in subsection (4). The name and address of the qualified sponsoring organization must be affixed to each machine used for this exempt purpose.~~

(c) No change.

(3) through (4) No change.

(5) Purchases or leases of vending machines.

(a) through (c) No change.

~~(d) Agreements entered into prior to July 1, 1991, between the owner of vending machines and the location owner, for the lease or license to use the vending machines, will be recognized by the Department as a lease or license to use the machines purchased prior to July 1, 1991, until the expiration date of the original lease agreement. However, oral agreements entered into prior to July 1, 1991, shall be deemed to have expired prior to July 1, 1992, by virtue of the provisions of Sections 689.01 and 725.01, F.S. On the expiration date of the lease agreement entered into prior to July 1, 1991, for machines purchased prior to this date, the lease or license to use vending machines to an operator as described in paragraph (e) above is taxable.~~

(6) Lease or license to use real property; direct pay authority.

(a) through (c) No change.

~~(d) Agreements entered into prior to July 1, 1991, between the owner of vending machines and the location owner, for the lease or license to use real property where the machines are to be located, will be recognized by the Department until the expiration date of the original lease agreement. However, oral agreements entered into prior to July 1, 1991, shall be deemed to have expired prior to July 1, 1992, by virtue of the provisions of Sections 689.01 and 725.01, F.S. On the expiration date of the lease agreement entered into prior to July 1, 1991, the lease or license to use the real property where the machines are located, is taxable when the machine owner is also the operator as described in paragraph (a) above.~~

(7) through (8) No change.

Rulemaking Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), (14), (15), (16), (19), (24), 212.031, 212.05(1)(h), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.07(1), (2), 212.08(1), (7), (8), 212.11(1), 212.12(2), (3), (4), (9), 212.18(2), (3) FS. History—Revised 10-7-68, 6-16-72, 1-10-78, Amended 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, 6-19-01, 11-1-05, 1-12-11,_____.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) through (3) No change.

(4) PENALTIES AND INTEREST.

(a) through (f) No change.

(g) Interest shall accrue on any delinquent tax, surtax, surcharge, or fee imposed by or administered under Chapter 212, F.S., at the following rate:

1. ~~One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

2. ~~For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).~~

3. Interest accrues on the amount due from the date of delinquency until the date on which the tax is paid.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.0506(4), (11), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1), (2), (3), (4), (5), 212.14(2), 212.15(1), 213.235, 213.755, 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 4-17-03, 9-28-04, 11-6-07, 9-15-08,_____.

12A-1.059 Fuels.

(1)(a) No change.

(b) The charge for the filling of liquefied petroleum (L.P.) ~~twenty two pound~~ gas tanks, including tanks used in recreational vehicles, is exempt when the L.P. gas will be used by the purchaser for the purposes of residential heating, cooking, lighting, or refrigeration. The dealer must document on the customer's invoice or other written evidence of sale that the charge is for filling a L.P. twenty two pound tank ~~with~~, ~~or that the gas is sold for the purposes of residential household cooking, heating, lighting, or refrigeration.~~

(2) through (5) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 206.86(4), 212.05, 212.06(3), 212.08(4), (7)(b), (j), (8) FS. History—Revised 10-7-68, 6-16-72, Amended 7-19-72, 12-11-74, 10-18-78, 7-3-79, 6-3-80, 12-23-80, 8-26-81, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.59, Amended 12-13-88, 5-19-93, 9-14-93, 3-20-96, 10-2-01, 4-17-03, 6-12-03,_____.

Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees; Rule 12A-1.087, F.A.C., and Rule 12B-5.130, F.A.C.

12A-1.064 Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate and Foreign Commerce.

(1) through (6) No change.

(7) REFUNDS TO CLAIM THE PARTIAL EXEMPTION.

(a) Licensed common carriers and licensed railroad carriers who do not hold a valid Sales and Use Tax Direct Pay Permit are required to pay tax to the selling dealer at the time of purchase or lease. Carriers entitled to the partial exemption provided in Section 212.08(9), F.S., may obtain a refund of tax paid at the time of purchase or lease, less the amount of tax due under the partial exemption, directly from the Department.

(b) Any licensed common carrier or licensed railroad carrier seeking a refund of tax paid in excess of the tax due under the partial exemption must:

1. No change.

2. File with the Department an Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.), including the required statement, that meets the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., within 3 years after the date the tax was paid.

~~a. Form DR-26S, Application for Refund Sales and Use Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~b. Form DR-26S, Application for Refund Sales and Use Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

(c) No change.

(8) through (9) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), 212.05(1), 212.06(1), 212.08(4)(a), (9), 212.085, 212.13(1), 212.21(3), 213.255(1), (2), (3), 215.26(2) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 5-23-77, 9-26-77, 10-18-78, 3-30-79, 4-10-79, 3-27-80, 7-20-82, 10-13-83, 8-28-84, Formerly 12A-1.64, Amended 1-2-89, 10-16-89, 7-30-91, 3-20-96, 11-30-97, 7-1-99, 6-19-01, 10-2-01, 6-12-03, _____.

12A-1.0641 Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes.

(1) through (6) No change.

(7) REFUNDS TO CLAIM THE PARTIAL EXEMPTION.

(a) Persons who are entitled to the partial exemption provided in Section 212.08(4)(a)2. or 212.08(8), F.S., may obtain a refund of tax paid at the time of purchase or lease, less the amount of tax due under the partial exemption, directly from the Department.

(b) Persons seeking a refund of tax paid in excess of the tax due under the partial exemption must:

1. through 3. No change.

4. File with the Department an Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.), including any required statement or affidavit, that meets the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C., within 3 years after the date the tax was paid.

~~a. Form DR-26S, Application for Refund Sales and Use Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~b. Form DR-26S, Application for Refund Sales and Use Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

(c) through (f) No change.

(8) through (9) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), 212.05(1), 212.06(1), 212.08(4)(a), (8), 212.085, 212.13(1), 212.21(3), 213.255(1), (2), (3), 215.26(2) FS. History-New 6-12-03, Amended _____.

12A-1.068 Tire Recapping.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (15)(a), (16), 212.05(1) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.68, Repealed _____.

12A-1.0911 Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors.

(1) No change.

(2) SELF-ACCRUAL AUTHORIZATION.

(a) through (f) No change.

~~(g) All dealers who hold a valid Sales and Use Tax Direct Pay Permit are required to file with the Department, by September 30 of each year, a report showing the amount of total purchases by county for the period from September 1 through August 31 and the amount of use tax self accrued on such purchases by county. This report should be mailed to:~~

~~Central Registration Florida Department of Revenue
P. O. Box 6480
Tallahassee, Florida 32314 6480.~~

(h) through (i) renumbered (g) through (h) No change.

(3) No change.

Rulemaking Authority 212.17(6), 212.18(2), (3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3., 4., 212.0598, 212.06(11), 212.08(4)(a)2., (8), (9), 212.12(13), 212.18(3), 212.183 FS. History-New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93, 9-30-99, 10-2-01, 6-12-03, 9-1-09, _____.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 12, F.S. These forms are hereby incorporated by reference in this rule.

(a) No change.

(b) Forms (certifications) specifically denoted by an asterisk (*) are issued by the Department upon final approval of the appropriate application. Defaced copies of certifications, for purposes of example, may be obtained by written request directed to:

Florida Department of Revenue
 Taxpayer Services
 5050 West Tennessee Street
 Tallahassee, Florida 32399-0112.

Form Number	Title	Effective Date
(2) through (19)	No change.	

(20) DR-231*	Certificate of Exemption for Entertainment Industry Qualified Production Company (R. 06/12 N. 08/09)	___ 04/10
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(21) through (23) No change.

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2896-2898), to advise the public of the proposed amendments to Rule Chapter

12A-1, F.A.C. (Sales and Use Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.061	Rentals, Leases, and Licenses to Use Transient Accommodations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to: (1) provide in the Department’s rule regarding sales tax imposed on transient accommodations any locally-imposed convention development tax, tourist development tax, or tourist impact tax on transient accommodations; and (2) remove obsolete references and unnecessary effective dates.

SUMMARY: The proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations): (1) provide that the rule governs the administration of sales tax and any locally-imposed discretionary sales surtax, convention development tax, tourist development tax, or tourist impact tax imposed on transient accommodations; and (2) remove obsolete references and unnecessary effective dates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities providing for the consolidation of the administration of sales tax and any locally-imposed discretionary sales surtax, convention development tax, tourist development tax, or tourist impact tax imposed on transient accommodations and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 119.071(5), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.054(3)(h), 212.055, 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.
 PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850) 617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) The provisions of this rule govern the administration of the taxes imposed on transient accommodations including sales tax imposed under Section 212.03, F.S., any locally-imposed discretionary sales surtax, any convention development tax imposed under Section 212.0305, F.S., any tourist development tax imposed under Section 125.0104, F.S., or any tourist impact tax imposed under Section 125.0108, F.S.

~~(2)~~ No change.

~~(3)~~ DEFINITIONS. For the purposes of this rule, the following terms are defined:

(a) "Bedding" means a mattress, box spring, bed frame, pillows and bed linens, as well as sleeper type couches, futons, and day beds. "Bedding" Effective January 1, 1998, "bedding" also includes roll-a-way beds, baby cribs, and portable baby cribs. This list is not intended to be an exhaustive list.

(b) through (f) No change.

~~(4)~~ RENTAL CHARGES OR ROOM RATES.

(a) through (g) No change.

(h) The following is a non-inclusive list of charges separately itemized on a guest's or tenant's bill, invoice, or other tangible evidence of sale that are NOT rental charges or room rates for transient accommodations:

1. through 3. No change.

4. Charges for the use of safes or safety deposit boxes located at an establishment's registration desk. ~~See Rule 12A-1.070, F.A.C.~~

5. through 8. No change.

9. Valet service charged to a guest's or tenant's accommodation bill. ~~See Rule 12A-1.070, F.A.C.~~

10. through 14. No change.

(4) through (20) Renumbered (5) through (21) No change.

Rulemaking Authority 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 119.071(5), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.054(3)(h), 212.055, 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99, 3-4-01(4), 3-4-01(2), (5), (14), 10-2-01, 8-1-02, 9-1-09, 6-28-10, 7-20-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2900), to advise the public of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-3.001	Scope of Rules; Imposition of the Tax

12A-3.002 Taxable Status of Guests or Tenants on the Effective Date of the Levy of the Tax

12A-3.006 Rents Involving Fractions of a Dollar; Computation of Tax

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12A-3, F.A.C. (Tourist Development Tax), is to remove provisions that are redundant of other administrative rules or redundant of statutory provisions.

SUMMARY: The proposed repeal of Rule 12A-3.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes: (1) provisions redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to certain local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements that are redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-3.002, F.A.C. (Taxable Status of Guests or Tenants on the Effective Date of the Levy of the Tax), removes provisions redundant of the provisions of subsection (15) of Rule 12A-1.061, F.A.C.

The proposed repeal of Rule 12A-3.006, F.A.C. (Rents Involving Fractions of a Dollar; Computation of Tax), removes unnecessary provisions regarding the imposition of the tourist development tax at 1 percent or 2 percent of each dollar and major fraction of each dollar, as provided in Section 125.0104(3)(c), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 125.0104(3)(k), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 125.0104, 125.0108, 212.03(1), (2), (3), (4), (5), (7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-3.001 Scope of Rules; Imposition of the Tax.

Rulemaking Specific Authority 125.0104(3)(k), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104, 125.0108, 212.03(1), (2), (3), (4), (5), (7) FS. History–New 3-27-78, Amended 4-16-78, 11-13-78, 5-28-85, Formerly 12A-3.01, Amended 7-29-91, 11-30-97, Repealed.

12A-3.002 Taxable Status of Guests or Tenants on the Effective Date of the Levy of the Tax.

Rulemaking Specific Authority 125.0104(3)(k), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104, 212.03(1), (2), (3), (4), (5), (7) FS. History–New 3-27-78, Amended 5-28-85, Formerly 12A-3.02, Amended 11-30-97, Repealed.

12A-3.006 Rents Involving Fractions of a Dollar; Computation of Tax.

Rulemaking Specific Authority 125.0104(3)(k), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104, 125.0108, 212.03(1), (2), (3), (4), (5), (7) FS. History–New 3-27-78, Amended 5-28-85, Formerly 12A-3.06, Amended 7-29-91, 3-21-95, 11-30-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2900-2901), to advise the public of the proposed repeal of Rule Chapter 12A-3, F.A.C. (Tourist Development Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-8.001	Scope of Rules; Imposition of Tax
12A-8.002	Rate of Tax

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12A-8, F.A.C. (Dade County Convention Development Tax), is to remove provisions that are redundant of other administrative rules or redundant of statutory provisions.

SUMMARY: The proposed repeal of Rule 12A-8.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes: (1) provisions redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to certain local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and that would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-8.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4)(a)1., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section

120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-8.001 Scope of Rules; Imposition of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-8.01, Amended 11-30-97, Repealed.

12A-8.002 Rate of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-8.02, Amended 11-30-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2901), to advise the public of the proposed repeal of Rule Chapter 12A-8, F.A.C. (Dade County Convention Development Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-9.001	Scope of Rules; Imposition of Tax
12A-9.002	Rate of Tax

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12A-9, F.A.C. (Duval County Convention Development Tax), is to remove provisions that are redundant of other administrative rules or redundant of statutory provisions.

SUMMARY: The proposed repeal of Rule 12A-9.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes: (1) provisions redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to certain local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and that would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-9.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4)(a)1., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section

120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-9.001 Scope of Rules; Imposition of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-9.01, Amended 11-30-97, Repealed.

12A-9.002 Rate of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-9.02, Amended 11-30-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2901-2902), to advise the public of the proposed repeal of Rule Chapter 12A-9, F.A.C. (Duval County Convention Development Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-10.001	Scope of Rules; Imposition of Tax
12A-10.002	Rate of Tax

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule Chapter 12A-10, F.A.C. (Duval County Convention Development Tax), is to remove provisions that are redundant of other administrative rules or redundant of statutory provisions.

SUMMARY: The proposed repeal of Rule 12A-10.001, F.A.C. (Scope of Rules; Imposition of the Tax), removes: (1) provisions redundant of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), as amended to clarify that Rule 12A-1.061, F.A.C., applies to certain local-option taxes imposed on transient accommodations; and (2) registration and reporting requirements redundant of Rules 12A-1.060 and 12A-1.056, F.A.C., and that would not be applicable to requirements for registration and reporting adopted by the county self-administering the tax.

The proposed repeal of Rule 12A-10.002, F.A.C. (Rate of Tax), removes unnecessary provisions regarding the imposition of the convention development tax at 2 percent of each dollar and major fraction of each dollar, as provided in Section 212.0305(4)(a)1., F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section

120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-10.001 Scope of Rules; Imposition of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-10.01, Amended 11-30-97, Repealed.

12A-10.002 Rate of Tax.

Rulemaking Specific Authority 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), (3), (4), (5), (7), 212.0305 FS. History—New 5-28-85, Formerly 12A-10.02, Amended 11-30-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2902), to advise the public of the proposed repeal of Rule Chapter 12A-10, F.A.C. (Volusia County Convention Development Tax), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-13.001	Scope of Rules
12A-13.002	Collection and Remittance of Fee

PURPOSE AND EFFECT: The purpose of the proposed updates to Rule Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles), is to remove redundant provisions and to update information on how to obtain copies of the fee return from the Department.

SUMMARY: The proposed repeal of Rule 12A-13.001, F.A.C. (Scope of Rules): (1) removes the provisions of subsection (1) that are redundant of the provisions of subsection (2) of Rule 12A-13.002, F.A.C.; and (2) moves provisions regarding the definition of “motor vehicle” to Rule 12A-13.002, F.A.C., governing the collection and remittance of the fee on the sale or lease of motor vehicles imposed under Section 681.117, F.S. The proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee): (1) provide that the term “motor vehicle” for purposes of the fee on the sale or lease of motor vehicles is defined in Section 681.102(14) F.S.; (2) clarify when private tag agencies are to remit the fee to the Department; and (3) update information on how to obtain copies of the fee return from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public with tax information and

rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(14), 681.117 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-13.001 Scope of Rules.

Rulemaking Authority 213.06(1) FS. Law Implemented 681.102(14)(~~45~~), 681.117 FS. History—New 4-5-89, Amended 5-4-03, Repealed.

12A-13.002 Collection and Remittance of Fee.

(1) Each motor vehicle dealer licensed under Section 320.27, F.S., and each person engaged in the business of leasing motor vehicles, is required to collect a \$2 fee from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. The term “motor vehicle” means those motor vehicles as defined in Section 681.102(14), F.S.

(2) All fees collected for motor vehicles that are titled and registered in this state must be remitted to the county tax collector or private tag agency ~~acting as agent for the Department of Revenue.~~

(a) Each county tax collector is required to file a Motor Vehicle Warranty Remittance Fee Report (Form ~~form~~ DR-35) and remit such fees to the Department at or within the time or times prescribed in Section 219.07, F.S.

(b) Each private tag agent is required to file a Motor Vehicle Warranty Remittance Fee Report (Form ~~form~~ DR-35) and remit such fees to the Department at or within the times the private tag agent's sales and use tax and return is due not later than seven (7) working days from the close of the week in which the private tag agency received the fees. See Rule 12A-1.056, F.A.C.

(3) through (4) No change.

Rulemaking Authority 213.06(1) FS. Law Implemented 219.07, 320.27(1)(c), 681.102(14)(15), 681.117 FS. History--New 4-5-89, Amended 5-4-03, 9-28-04, 1-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2903), to advise the public of the proposed changes to Rule Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-19.050	Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections
12A-19.100	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections) and Rule 12A-19.100, F.A.C. (Public Use Forms) is to: (1) clarify provisions regarding when a local jurisdiction may increase the local tax rate by emergency ordinance; and (2) remove obsolete provisions regarding emergency local tax rates in 2002.

SUMMARY: The proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections), and to Form

DR-700021 (Local Communications Services Tax Notification of Tax Rate Change), adopted by reference, in Rule 12A-19.100, F.A.C. (Public Use Forms): (1) clarify provisions applicable to emergency local tax rate changes; and (2) remove obsolete rate change provisions for the adoption of emergency tax rate ordinances for 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public with information relating to local communications services tax rates, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.22(6)(a), 202.26(3)(a), (c), (d), (e), (j), 202.27(1), (7), 202.28(1)(b)2. FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.20(2)(a), 202.21, 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2), 337.401(3)(c), (j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) No change.

(2) Permit Fee Elections.

~~(a) Each municipality, charter county, or noncharter county was required to elect prior to October 1, 2001 to either collect permit fees or to not collect permit fees. The initial local communications services tax rate established for each local taxing jurisdiction depended upon that election. Local taxing jurisdictions that elected not to collect permit fees were also permitted to adopt resolutions or ordinances increasing their initial local communications services tax rate by .12 percent in the case of municipalities and charter counties and .24 percent in the case of noncharter counties. Local taxing jurisdictions are permitted to change their elections as in effect on October 1, 2001, but no change in election as to permit fees will be effective prior to January 1, 2003.~~

~~(b) If any local taxing jurisdiction that initially elected to not collect permit fees subsequently elects to collect permit fees, in addition to the effective date and notification procedures set forth in subsection (1), the following special rules apply:~~

~~(a)1. If a municipality or charter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the sum of .12 percent plus the percentage increase in the local communications services tax, if any, pursuant to a permit fee election under Section 337.401(3)(e)1.b., F.S.~~

~~(b)2. If a noncharter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the rate increase in the local communications services tax, if any, pursuant to a permit fee election under Section 337.401(3)(e)2.b., F.S.~~

~~(c)3. Any county or municipality that changes its election and exercises its authority to collect permit fees must provide written notification to all dealers of communications services in the jurisdiction by the September 1 immediately preceding the January 1 effective date of the change of election.~~

~~(d)4. If any local taxing jurisdiction that initially elected to collect permit fees subsequently elects to not collect permit fees, the rate of the local communications services tax imposed by the jurisdiction may be increased by ordinance or resolution by up to .24 percent.~~

(3) Emergency Local Rate Changes.

~~(a) Any For the period October 1, 2001, through September 30, 2002, any local taxing jurisdiction may adjust increase its local communications services tax rate by emergency ordinance or resolution as provided in pursuant to Section 202.20(2)(a)3., F.S. A local taxing jurisdiction may be required to decrease its local communications services tax rate by emergency ordinance or resolution pursuant to Section 202.20(2)(a)4., F.S. Emergency rate changes cannot take effect for taxable services included on bills that are dated on or after sooner than the first day of the first month beginning at least 60 days after adoption of the rate change.~~

(b) A local taxing jurisdiction must notify the Department, using Form DR-700021, Local Communications Services Tax Notification of Tax Rate Change (incorporated by reference in Rule 12A-19.100, F.A.C.), immediately upon adoption of an emergency rate change, but not less than 60 days prior to its effective date. The Department will provide written notice of the emergency rate adoption to affected dealers within 30 days after receipt of notification from the local taxing jurisdiction.

(c) No change.

~~(d) Example: A local taxing jurisdiction adopts an emergency rate ordinance on February 20, 2002. The earliest permissible effective date for the new rate is May 1, 2002 (the first day of the first month beginning 60 days after the date of adoption). Notification and a copy of the ordinance must be provided to the Department no later than March 2, 2002 (60 days prior to the effective date for the new rate). If the Department receives the notice on February 25, 2002, the Department must notify dealers no later than March 27, 2002 (30 days after receiving the notice from the local taxing jurisdiction).~~

(4) No change.

Rulemaking Authority ~~202.21, 202.28(1)(b)2.~~ FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c), (j) FS. History—New 1-31-02, Amended 4-17-03, _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) through (6)	No change.	
(7)	DR-700021 Local Communications Services Tax Notification of Tax Rate Change (R. <u>06/12 12/01</u>)	<u>04/03</u>

(8) through (12) No change.

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.22(6)(a), 202.26(3)(a), (c), (d), (e), (j), 202.27(1), (7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10 (3), 6-28-10 (5), 2-7-11, 1-25-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7104

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2905), to advise the public of the proposed changes to Rule 12A-19.050, F.A.C. (Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections) and Rule 12A-19.100, F.A.C. (Public Use Forms), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-5.090	Local Government Users
12B-5.100	Mass Transit Systems
12B-5.150	Public Use Forms
12B-5.200	Wholesalers of Alternative Fuel

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), is to: (1) remove the incorrect reference to the incorporation of a form; (2) remove an obsolete form; and (3) provide clarification of the decal requirements for placing alternative fuel into a vehicle.

SUMMARY: The proposed amendments to Rule 12B-5.090, F.A.C. (Local Government Users), and Rule 12B-5.100, F.A.C. (Mass Transit Systems), remove reference to the incorporation of a refund permit that does not meet the definition of a “rule” and is not incorporated by reference.

The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), remove Form DR-179 (Corporate Surety Bond Form for Refund Permit Application), which is no longer used by the Department.

The amendments to Rule 12B-5.200, F.A.C. (Retailers of Alternative Fuel), clarify that it is unlawful to put alternative fuel into a vehicle that does not have the decal required by Section 206.877, F.S., attached to the vehicle.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for removing obsolete provisions and forms relating to fuels and pollutants tax, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 206.877, 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.89, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Marlar, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7670

THE FULL TEXT OF THE PROPOSED RULE IS:

PART I TAX ON MOTOR AND DIESEL FUEL

12B-5.090 Local Government Users.

(1) through (3) No change.

(4) REFUNDS AND CREDITS.

(a) No change.

(b)1. Any county, municipality, or school district, which is not licensed as a local government user, that uses tax-paid diesel fuel, gasoline, or gasohol in vehicles operated on the highways, may seek a refund each calendar quarter for the fuel taxes imposed under Section 206.41(1)(b) and (g), F.S., for gasoline and gasohol, 1 cent of the tax imposed under Section 206.87(1)(a), F.S., and all of the tax imposed under Section 206.87(1)(e), F.S., on diesel fuel.

2. Prior to qualifying for a refund of taxes paid, counties, municipalities, or school districts and nonpublic schools are required to file an Application for Fuel Tax Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) and obtain a Fuel Tax Refund Permit (~~Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.~~) issued by the Department.

3. through 4. No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.41(4), 206.86(11), 206.874(4), 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, _____.

12B-5.100 Mass Transit Systems.

(1) through (3) No change.

(4) REFUNDS AND CREDITS.

(a) No change.

(b)1. Prior to qualifying for a refund of taxes paid, a Mass Transit System is required to file an Application for Fuel Tax Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) and obtain a Fuel Tax Refund Permit (~~Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.~~) issued by the Department to obtain such refunds.

2. No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.41(4), 206.86(12), 206.874(5)(a), 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, _____.

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (12) No change.

(13) DR-179	Corporate Surety Bond Form for Refund Permit Application (R. 09/97)	04/07
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(14) through (41) renumbered (13) through (40) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10, 1-12-11, 7-20-11, 1-25-12, _____.

PART II TAX ON ALTERNATIVE FUEL

12B-5.200 Retailers of Alternative Fuel.

(1) through (3) No change.

(4) FUELING OF A VEHICLE WITH NO FLORIDA DECAL.

(a) It is unlawful for any person to put, or cause to be put, alternative fuel into the fuel supply tank of a motor vehicle required to have a decal affixed to such vehicle, unless the vehicle has such a decal attached to it, as required by Section 206.877, F.S.

(b) No change.

(5) No change.

Rulemaking Authority 206.14(1), 206.59(1), 206.877, 213.06(1) FS. Law Implemented 206.485, 206.877, 206.89 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 1-25-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Marlar, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7670

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2907), to advise the public of the proposed changes to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.003	Definitions
12B-7.004	Rate of Tax; Oil, Gas and Sulfur
12B-7.008	Public Use Forms
12B-7.022	Definitions
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12B-7, F.A.C. (Severance Taxes, Fees, and Surcharges), is to: (1) repeal unnecessary definitions of terms; and (2) adopt, by reference, changes to forms used in the administration of the severance taxes, fees, and surcharges.

SUMMARY: The proposed repeal of Rule 12B-7.003, F.A.C. (Definitions), and Rule 12B-7.022, F.A.C. (Definitions), removes unnecessary definitions of terms for which statutory definitions are provided or terms that are no longer used in the administration of the tax on the production of oil, gas, or sulfur or on the severance of solid minerals, heavy minerals, or phosphate rock.

The proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas and Sulfur), provide for the reporting of the tax on the production mature field recovery oil, imposed by Section 211.02, F.S., as amended by Section 6, Chapter 2012-32, L.O.F.

The proposed amendments to Rule 12B-7.008, F.A.C. and Rule 12B-7.026, F.A.C. (Public Use Forms), adopt changes to tax returns used in the administration of the tax on oil production in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for removing obsolete provisions and updating forms used to report severance taxes, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 211.075(2), (3), 211.125, 211.33(1), (6), 213.06(1), 373.41492(4)(b), 1002.395(13) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.01, 211.02, 211.025, 211.0251, 211.026, 211.04, 211.06, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.255, 213.37, 213.755(1), 215.26, 373.41492, 1002.395 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.003 Definitions.

Rulemaking Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.01, 211.125 FS. History—New 12-28-78, Formerly 12B-7.03, Amended 12-18-94, Repealed.

12B-7.004 Rate of Tax; Oil, Gas and Sulfur.

(1) Oil.

(a) The amount of tax ~~is shall be~~ measured by the value of oil produced and saved. The rate for oil shall be 8 percent of the gross value thereof at the point of production.

(b) All wells capable of producing less than 100 barrels of oil per day ~~is shall be~~ taxed at the rate of 5 percent of the gross value at the point of production.

(c) Oil produced by tertiary methods and mature field recovery oil is shall be taxed at the following tiered rates on the gross value at the point of production:

1. 1 percent of the gross value of oil \$60 and below;
2. 7 percent of the gross value of oil above \$60 and below \$80;
3. 9 percent of the gross value of oil \$80 and above.
4. Example: 200 barrels of oil were produced that had a value of \$90 per barrel at the time of production. Tax is calculated as follows:

First Tier: 200 barrels x \$60 x 1% = \$120
 Second Tier: + 200 barrels x \$20 x 7% = \$280
 Third Tier: + 200 barrels x \$10 x 9% = \$180
 Total Tax Due: \$580

(d) Escaped Oil. When a regular monthly report required from a taxpayer does not disclose the actual source of any taxable oil, but does show such oil to have escaped from a well or wells and to have been recovered from streams, lakes, ravines, or other natural depressions, the tax rate is 12 1/2 percent of the gross value of such escaped oil and is in addition to the tax imposed upon oil production.

(2) Gas. The amount of tax is ~~shall be~~ measured by the volume of the gas produced and sold, or used. The rate for gas for each state fiscal year (July through June) is shall be the gas tax rate established by the Department pursuant to Section 211.025, F.S., ~~for the fiscal year.~~

(3) Sulfur. The amount of tax is ~~shall be~~ measured by the volume of the sulfur produced and sold, or used. The rate for sulfur for each state fiscal year (July through June) is shall be the sulfur tax rate established by the Department pursuant to Section 211.026, F.S., ~~for the fiscal year.~~

Rulemaking Authority 211.125(1), 213.06(1) FS. Law Implemented 211.02, 211.025, 211.026, 211.04 FS. History—New 12-28-78, Formerly 12B-7.04, Amended 12-18-94, 1-11-10, _____.

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-144	Gas and Sulfur Production Quarterly Tax Return	(R. 07/12 07/11) _____ 01/12

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00824>)

(3) DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax	(R. 07/12 07/11) _____ 01/12
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(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00824>)

(4) DR-145	Oil Production Monthly Tax Return	(R. 07/12 01/11) _____ 01/11
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(5) DR-145X	Oil Production Monthly Amended Tax Return	(R. 07/12 01/11) _____ 01/11
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Rulemaking Authority 211.075(2), (3), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.02, 211.0251, 211.026, 211.06, 211.075, 211.076, 211.125, 213.255, 213.755(1), 215.26, 1002.395 FS. History—New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10, 1-12-11, 1-25-12, _____.

12B-7.022 Definitions.

~~Rulemaking Specific~~ Authority 211.33(6), 213.06(1) FS. Law Implemented 211.30, 211.31, 211.3103, 211.3106 FS. History—New 9-17-80, Formerly 12B-7.22, Amended 12-18-94, Repealed _____.

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. 01/13 01/12) _____	01/12

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00825>)

(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax	(R. 01/13 01/12) _____ 01/12
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(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00825>)

Rulemaking Authority 211.33(1), (6), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(2), 211.0251, 211.30, 211.31, 211.3103, 211.3106, 211.3108, 211.33, 213.255, 213.755(1), 215.26, 1002.395 FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10, 1-12-11, 1-25-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2907-2908), to advise the public of the proposed changes to Rule Chapter 12B-7, F.A.C. (Severance Taxes, Fees, and Surcharges), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-12.007
 RULE TITLE: Refunds and Credits; Recordkeeping Requirements

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.007, F.A.C. (Refunds and Credits; Recordkeeping Requirements), is to remove obsolete provisions regarding when an application for refund must be filed with the Department.

SUMMARY: The proposed amendments to Rule 12B-12.007, F.A.C. (Refunds and Credits; Recordkeeping Requirements), remove obsolete provisions regarding refund applications for tax paid on or after October 1, 1994, and prior to July 1, 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for the administration of the tax on perchloroethylene, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 376.75(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-12.007 Refunds and Credits; Recordkeeping Requirements.

(1) No change.

(2)(a) Any person entitled to a refund of tax paid on perc to the Department must file an Application for Refund (~~Form~~ ~~form~~ DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department within 3 years after the date the tax was paid. Form DR-26 must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

~~1. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.~~

~~2. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

(b) No change.

(3) through (4) No change.

~~Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 376.75(11) FS. History—New 2-19-95, Amended 3-18-96, 4-17-03,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2909), to advise the public of the proposed changes to Rule 12B-12.007, F.A.C. (Refunds and Credits; Recordkeeping Requirements), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.318
 RULE TITLE: Rules for Recognition of Taxpayers and Their Representatives

PURPOSE AND EFFECT: Rule 12-6.005, F.A.C. (Criteria for Qualified Representatives), and Form DR-835 (Power of Attorney and Declaration of Representative), provide the qualifications and requirements of taxpayer representatives. Rule 12-22.005, F.A.C. (Disclosure Procedures), provides the requirements for taxpayer representatives to receive confidential taxpayer information from the Department. The purpose of the proposed repeal of Rule 12C-1.318, F.A.C. (Rules for Recognition of Taxpayers and Their Representatives), is to remove provisions regarding taxpayer representatives that are addressed in these administrative rules and forms.

SUMMARY: The proposed repeal of Rule 12C-1.318, F.A.C. (Rules for Recognition of Taxpayers and Their Representatives), removes unnecessary provisions redundant of Rule 12-22.005, F.A.C. (Disclosure Procedures), and Form DR-835 (Power of Attorney and Declaration of Representative).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.053, 220.731 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.318 Rules for Recognition of Taxpayers and Their Representatives.

Rulemaking Specific Authority 213.06(1), 220.51 FS. Law Implemented ~~220.62~~, 213.053, 220.731 FS. History—New 10-20-73, Amended 10-8-74, Formerly 12C-1.53(r)-(t), Amended and Renumbered 2-27-78, Amended 12-21-88, 4-8-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2911), to advise the public of the proposed repeal of Rule 12C-1.318, F.A.C. (Rules for Recognition of Taxpayers and Their Representatives), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.: 12C-2.0115, 12C-2.012
 RULE TITLES: Public Use Forms, Refunds

PURPOSE AND EFFECT: Form DR-350111 (Intangible Tax Self-Audit Worksheet), Form DR-350112 (Taxpayer Affidavit), and Form DR-26I (Application for Refund-Intangible Personal Property Tax), previously used in the administration of the annual intangible personal property

prior to its repeal are now obsolete. Taxpayers seeking refunds of the intangible personal property tax on governmental leasehold estates that is not automatically refunded by the Department must apply using Form DR-26 (Application for Refund).

The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to repeal the adoption, by reference, of obsolete Forms DR-350111 and DR-350112.

The purpose of the proposed amendments to Rule 12C-2.012, F.A.C. (Refunds), is to update the application to be used by taxpayers to obtain a refund of intangible personal property tax overpaid on governmental leasehold estates.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), remove the adoption, by reference, of obsolete Forms DR-350111 and DR-350112.

The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), provide that Form DR-26 (Application for Refund) is to be used to obtain a refund of intangible personal property tax overpaid on governmental leasehold estates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities with the administration of the intangible personal property tax on governmental leasehold estates, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7) (2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 213.255(2), (3), 215.26 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4) DR-350111	Intangible Tax Self-Audit Worksheet (R-06/07)	01/08
(5) DR-350112	Taxpayer Affidavit (R-06/01)	05/03

Rulemaking Authority 199.202, 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.103(7) (2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10, 2-7-11, 1-29-12, _____.

12C-2.012 Refunds.

(1)(a) Any person entitled to a refund of intangible personal property taxes may seek a refund by filing an Application for Refund ~~Intangible Personal Property Tax~~ (Form DR-26~~F~~, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26~~F~~ must be in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

(b) Form DR-26~~F~~, Application for Refund ~~Intangible Personal Property Tax~~, must be filed with the Department within three (3) years after the date the tax was paid.

(2) No change.

Rulemaking ~~Specific~~ Authority 199.202, 213.06(1) FS. Law Implemented 196.199(2)(b), 199.232, 213.255(2), (3), 215.26(2) FS. History—New 4-17-72, Formerly 12C-2.12, Amended 11-21-91, 5-4-03, 9-28-04, 1-28-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2912), to advise the public of the proposed changes to Rule 12C-2.0115, F.A.C. (Public Use Forms) and Rule 12C-2.012, F.A.C. (Refunds), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.:	RULE TITLES:
12E-1.001	General
12E-1.002	Services Provided
12E-1.003	Conditions of Eligibility
12E-1.004	Application for Services, Application Forms and Fee
12E-1.005	Collection and Distribution of Payments
12E-1.009	Enforcement of Income Deduction in IV-D Cases Where No Income Deduction Order Currently Exists
12E-1.013	Release of Information
12E-1.015	Reciprocity Requests
12E-1.016	Child Support Guidelines
12E-1.017	Expedited Process
12E-1.019	Judgments by Operation of Law
12E-1.020	Genetic Testing
12E-1.024	Business or Professional License or Certification Suspension or Application Denial
12E-1.025	Procurement of Legal Services
12E-1.026	Central Depository Electronic Transmission of Information

PURPOSE AND EFFECT: The purpose and effect of the proposed repeal of Rule 12E-1.001, F.A.C. (General), is to remove rule provisions that repeat provisions in several statutes and include obsolete terminology.

The purpose and effect of the proposed repeal of Rule 12E-1.002, F.A.C. (Services Provided), is to remove rule provisions that repeat statutes, are inconsistent with the Child Support Enforcement Title IV-D State plan, contain obsolete terminology, and are no longer necessary.

The purpose and effect of the proposed repeal of Rule 12E-1.003, F.A.C. (Conditions of Eligibility), is to remove rule provisions that repeat statutes, are contrary to current law in some ways, incorporate obsolete forms, contain obsolete terminology, and are no longer necessary.

The purpose and effect of the proposed repeal of Rule 12E-1.004, F.A.C. (Application for Services, Application Forms and Fee), is to remove rule provisions that deviate from current law, incorporate obsolete forms, contain obsolete terminology, and are no longer needed.

The purpose and effect of the proposed repeal of Rule 12E-1.005, F.A.C. (Collection and Distribution of Payments), is to eliminate an unnecessary rule about the collection and distribution of support payments that contains obsolete information and references obsolete forms.

The purpose and effect of the proposed repeal of Rule 12E-1.009, F.A.C. (Enforcement of Income Deduction in IV-D Cases Where No Income Deduction Order Currently Exists), is to remove a rule that substantially restates Section 61.1301, Florida Statutes, includes outdated provisions, and is unnecessary.

The purpose and effect of the proposed repeal of Rule 12E-1.013, F.A.C. (Release of Information), is to remove a rule that substantially repeats Section 409.2579, Florida Statutes, and is no longer needed.

The purpose and effect of the proposed amendment of Rule 12E-1.015, F.A.C. (Reciprocity Requests), is to remove a provision that is inconsistent with the Child Support Enforcement Title IV-D State plan and is no longer needed, and correct the cite to rulemaking authority and law implemented in the history notes. The amendment will list the foreign jurisdictions with which Florida has reciprocal agreements for child support enforcement services and will provide a hyperlink members of the public can use to access a copy of reciprocal agreements.

The purpose and effect of the proposed repeal of Rule 12E-1.016, F.A.C. (Child Support Guidelines), is to remove a rule that repeats Section 61.30, Florida Statutes, and is no longer necessary.

The purpose and effect of the proposed repeal of Rule 12E-1.017, F.A.C. (Expedited Process), is to remove a rule that repeats statutes, incorporates superseded federal regulations, cites as rulemaking authority a statute that has been repealed, and is no longer needed because expedited process is provided by rule of the Florida Family Law Rules of Procedure (Rule 12.491).

The purpose and effect of the proposed repeal of Rule 12E-1.019, F.A.C. (Judgments by Operation of Law), is to eliminate a rule that repeats Section 61.14, Florida Statutes, cites as rulemaking authority a statute that has been repealed, and is no longer necessary.

The purpose and effect of the proposed repeal of Rule 12E-1.020, F.A.C. (Genetic Testing), is to remove rule provisions about genetic testing for paternity establishment that repeat Section 742.12, Florida Statutes, contain obsolete information, and are no longer necessary.

The purpose and effect of the proposed repeal of Rule 12E-1.024, F.A.C. (Business or Professional License or Certification Suspension or Application Denial), is to remove obsolete information that has been superseded by statutory changes in Section 409.2598, Florida Statutes.

The purpose and effect of the proposed repeal of Rule 12E-1.025, F.A.C. (Procurement of Legal Services), is to remove rule provisions that cite as rulemaking authority a statute that has been repealed, unnecessarily restate federal regulations, and are unnecessary.

The purpose and effect of the proposed repeal of Rule 12E-1.026, F.A.C. (Central Depository Electronic Transmission of Information), is to remove obsolete and unnecessary rule provisions that substantially repeat statute and reference a terminated contract between the Department of Revenue, the Florida Association of Court Clerks, and the county court depositories.

SUMMARY: The Department identified the repeal of Rules 12E-1.001, 12E-1.002, 12E-1.003, 12E-1.004, 12E-1.005, 12E-1.009, 12E-1.013, 12E-1.016, 12E-1.017, 12E-1.019, 12E-1.020, 12E-1.024, 12E-1.025, and 12E-1.026, F.A.C., and amendment of Rule 12E-1.015, F.A.C., during the Department's comprehensive rule review conducted in 2011 as required by Sections 120.74, F.S., and 120.745, F.S.

Rule 12E-1.001 repeats statutes and contains information that is obsolete and no longer needed. Rules 12E-1.002 and 12E-1.003 duplicate provisions in Florida Statutes, contain obsolete and inconsistent information, and are no longer needed. Rule 12E-1.004 contains obsolete and inconsistent information and is not needed. Rule 12E-1.005 contains obsolete information, references obsolete forms, and is no longer needed. Rule 12E-1.009 substantially repeats section 61.1301, Florida Statutes, unnecessarily incorporates a federal statute, and is no longer needed. Rule 12E-1.013 repeats section 409.2579, Florida Statutes, and is no longer necessary. The proposed amendments to Rule 12E-1.015 will correct the history notes, remove subsection (1) because it is no longer needed, list the foreign jurisdictions with which Florida has reciprocal agreements for support enforcement, and provide a hyperlink to allow access to copies of the reciprocal agreements. Rule 12E-1.016 repeats section 61.30, Florida Statutes, and is no longer needed. Rule 12E-1.017 repeats statute, incorporates superseded federal regulations, and is no longer needed because expedited process is provided by rule of the Florida Supreme Court. Rule 12E-1.019 substantially repeats Section 61.14, Florida Statutes, a statute implemented by county court depositories, cites as rulemaking authority a statute that has been repealed, and is no longer necessary. Rule

12E-1.020 repeats Section 742.12, Florida Statutes, is obsolete, and is no longer needed. Rule 12E-1.024 contains obsolete provisions superseded by changes to section 409.2598, Florida Statutes. Rule 12E-1.025 unnecessarily restates federal regulations and is no longer needed. Rule 12E-1.026 substantially repeats statute and references obsolete information about a terminated contract.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public information regarding the collection of child support payments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 61.181(8), 120.535, 409.026, 409.2557, 409.2557(3), 409.2557(3)(i), 409.2567, 409.2574(2)(d) FS., section 1, Chapter 94-124, Section 14, Chapter 94-236, LOF.

LAW IMPLEMENTED: 61.08(4)(d), 61.13, 61.1301, 61.13015, 61.14, 61.14(6)(a), 61.14(6)(a)3., 61.16(1), 61.181, 61.181(8), 61.1811, 61.30, 61.30(1)(b), 61.30(14), 61.30(15), 88.0405, 88.111, 88.151, 88.171, 88.235, 88.331, 88.1011(19)(b), 90.502(5), 95.11(3), 119.07, 119.08(3), 231.097, 231.28, 319.23, 319.24, 320.01, 327.02(27), 328.01, 328.15, 409.2554, 409.2557, 409.2561, 409.2564(2), 409.2564(3), 409.2564(4), 409.2567, 409.2569, 409.2572, 409.2574, 409.2577, 409.2579, 409.2598, 455.203, 559.79, 695.25, 742.011, 742.045, 742.10, 742.12 FS., Section 127, Chapter 86-220, LOF.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 29, 2013, 1:30 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)617-8036, e-mail address vergenzm@dor.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

12E-1.001 General.

Rulemaking Specific Authority 61.181(8), 409.026, 409.2567 FS. Law Implemented 61.13, 61.181(8), 88.0405, 88.331, 95.11(3), 409.2554, 409.2557, 409.2561, 409.2567, 409.2569, 409.2577, 742.10 FS. History–New 1-11-76, Formerly 10C-25.01, Amended 2-18-86, 4-6-88, 8-1-89, 6-17-92, 7-20-94, Formerly 10C-25.001, Repealed.

12E-1.002 Services Provided.

Rulemaking Specific Authority 409.026, 409.2557 FS. Law Implemented 61.14, 61.30, 119.08(3), 409.026, 409.2557, 409.2561, 409.2567 FS. History–New 1-11-76, Formerly 10C-25.02, Amended 2-18-86, 6-17-92, 7-20-94, Formerly 10C-25.002, Repealed.

12E-1.003 Conditions of Eligibility.

Rulemaking Specific Authority 409.026, 409.2567 FS. Law Implemented 409.2554, 409.2557, 409.2561, 409.2567, 409.2569, 409.2577, 742.011 FS. History–New 1-11-76, Formerly 10C-25.03, Amended 2-18-86, 4-6-88, 8-1-89, 7-20-94, Formerly 10C-25.003, Repealed.

12E-1.004 Application for Services, Application Forms and Fee.

Rulemaking Specific Authority Section 1, Chapter 94-124, Section 14, Chapter 94-236, L.O.F. Law Implemented 61.08(4)(d), 61.16(1), 61.30(1)(b), (14), (15), 88.111, 88.151, 88.235, 90.502(5), 119.08(3), 319.23, 319.24, 320.01, 327.02(27), 328.01, 328.15, 409.2557, 409.2561, 409.2567, 409.2564(2), (3), (4), 409.2569, 409.2572, 409.2577, 695.25, 742.045, 742.12 FS. History–New 2-18-86, Amended 4-9-87, 4-6-88, 8-1-89, 6-17-92, 7-20-94, Formerly 10C-25.0035, Amended 8-19-96, Repealed.

12E-1.005 Collection and Distribution of Payments.

Rulemaking Specific Authority 409.026, 409.2567 FS. Law Implemented 409.2554, 409.2557, 409.2561, 409.2567, 409.2569 FS. History–New 2-18-86, Amended 4-6-88, 8-1-89, 7-20-94, Formerly 10C-25.0036, Repealed.

12E-1.009 Enforcement of Income Deduction in IV-D Cases Where No Income Deduction Order Currently Exists.

Rulemaking Specific Authority 409.2574 FS. Law Implemented Ch. 48, 61.1301, 409.2557, 409.2574 FS. History–New 10-20-86, Amended 6-17-92, 7-20-94, Formerly 10C-25.007, Repealed.

12E-1.013 Release of Information.

Rulemaking Specific Authority 409.026 FS. Law Implemented 119.07, 409.2579 FS. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.010, Repealed.

12E-1.015 Reciprocity Requests.

~~(1) The Florida Department of Revenue, Child Support Enforcement Program Office shall locate noncustodial parents and institute legal proceedings against them to establish paternity and support obligations, enforce support obligations, modify existing orders, collect support, and disburse support payments on behalf of custodial parents and custodians in foreign countries where there is a declaration of reciprocity between Florida and the requesting foreign country. Foreign countries requesting a support action in Florida must provide the following documents:~~

~~(a) Certified copies of any pleading, petition, affidavit, testimony, order and modification to be established, enforced or modified; and,~~

~~(b) A certificate of the arrearage, if any; and any other information relating to the case file.~~

~~(1)(2) Declarations of reciprocity, issued by the Florida Attorney General, and the United States are incorporated by reference as of the effective date of this rule. Declarations of reciprocity, have been established with ~~a number of countries~~:~~

(a) Australia

(b) Austria

(c) Bermuda

(d) Canada

1. Province of Alberta

2. Province of British Columbia

3. Province of Manitoba

4. Province of New Brunswick

5. Province of New Foundland/Labrador

6. Province of Northwest Territories

7. Province of Nova Scotia

8. Province of Nunavut

9. Province of Ontario

10. Province of Saskatchewan

11. Province of Yukon Territory

12. Province of Prince Edward Island

13. Province of Quebec

(e) Czech Republic

(f) El Salvador

(g) Finland

(h) Fiji

- (i) France
- (j) Germany
- (k) Hungary
- (l) Ireland
- (m) Israel
- (n) Jamaica
- (o) Netherlands
- (p) Norway
- (q) Poland
- (r) Portugal
- (s) Slovak Republic
- (t) South Africa
- (u) Sweden
- (v) Switzerland
- (w) United Kingdom
- 1. England
- 2. Northern Ireland
- 3. Scotland
- 4. Wales

A copy of a specific declaration of reciprocity may be obtained from:

Reciprocity Coordinator, Central Registry, Child Support Enforcement Program Office
 Department of Revenue
 1170 Capital Circle, N.E.
 Tallahassee, Florida 32301

Rulemaking Specific Authority 409.2557(3), 409.026 FS. Law Implemented 88.1011(19)(b) 88.0405, 88.171 FS. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.012, Amended _____.

12E-1.016 Child Support Guidelines.

Rulemaking Specific Authority 409.026 FS. Law Implemented 61.30 FS. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.013, Repealed _____.

12E-1.017 Expedited Process.

Rulemaking Specific Authority 409.026 FS. Law Implemented Chapter 86-220, Section 127, L.O.F. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.014, Repealed _____.

12E-1.019 Judgments by Operation of Law.

Rulemaking Specific Authority 409.026 FS. Law Implemented 61.14(6)(a), (6)(a)3. FS. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.016, Repealed _____.

12E-1.020 Genetic Testing

Rulemaking Specific Authority 409.026 FS. Law Implemented 409.2554, 409.2567, 742.12 FS. History–New 6-17-92, Amended 7-20-94, Formerly 10C-25.017, Repealed _____.

12E-1.024 Business or Professional License or Certification Suspension or Application Denial.

Rulemaking Specific Authority 409.026 FS. Law Implemented 61.13015, 231.097, 231.28, 409.2598, 455.203, 559.79 FS. History–New 7-20-94, Formerly 10C-25.021, Repealed _____.

12E-1.025 Procurement of Legal Services.

Rulemaking Specific Authority 120.535, 409.026 FS., Law Implemented 409.2554, 409.2557 FS., History–New 7-20-94, Formerly 10C-25.022, Repealed _____.

12E-1.026 Central Depository Electronic Transmission of Information.

Rulemaking Specific Authority 409.026 FS. Law Implemented 61.181, 61.1811, 409.2557 FS. History–New 7-20-94, Formerly 10C-25.023, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)617-8036, e-mail address vergenzm@dor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2913-2914) giving notice of the proposed amendment of Rule 12E-1.015, F.A.C., and repeal of Rules 12E-1.001, 1.002, 1.003, 1.004, 1.005, 1.009, 1.013, 1.016, 1.017, 1.019, 1.020, 1.024, 1.025, and 1.026, F.A.C. The notice announced that a rule development workshop would be held on August 8, 2012 if a member of the public requested a workshop in writing. No members of the public requested a workshop. No written comments about the proposed changes were received by the Department.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.001
 RULE TITLE: Plan Types

PURPOSE AND EFFECT: To update the definition of registration fee.

SUMMARY: The definition of the registration fee requires updating not to reference the building fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2), (10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jose Lorenzo, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Plan Types.

(1) Definitions.

(a) through (b) No change.

(c) "Registration Fee" means: (a) the tuition fee authorized in Section 1009.24(4), F.S., financial aid fee authorized in Section 1009.24(7), F.S., ~~building fee authorized in Section 1009.24(8), F.S.,~~ and Capital Improvement Trust Fund fee authorized in Section 1009.24(8), F.S., charged by a State University; or (b) the tuition fee, authorized in Section 1009.23(3), F.S., the fee for capital improvements authorized in Section 1009.23(11), F.S., and the financial aid fee authorized in Section 1009.23(8), F.S., charged by a Florida College.

(d) through (e) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, 11-30-09, 10-18-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jose Lorenzo, Chief Legal Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 7, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:
64B5-14.0038

RULE TITLE:
Direct Supervision of a Qualified Anesthetist

PURPOSE AND EFFECT: The board proposes to create a new rule to address the direct supervision of qualified anesthetist.

SUMMARY: The proposed rule is necessary to set forth the criteria for the direct supervision of qualified anesthetist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 466.004(4), 466.017 FS.

LAW IMPLEMENTED: 466.002(2), 466.017 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.0038 Direct Supervision of a Qualified Anesthetist.

A dentist who is directly supervising the administration of anesthesia for a qualified anesthetist in a dental office shall not authorize a procedure unless the dentist is credentialed, qualified, and competent to perform the procedure.

Rulemaking Authority 466.004(4), 466.017 FS. Law Implemented 466.002(2), 466.017 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hygiene Council and Anesthesia Committee
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: December 19, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.002
RULE TITLE: Written Dental Records; Minimum Content; Retention

PURPOSE AND EFFECT: The board proposes this rule amendment to address limited pro-bono screenings, examinations and treatments.

SUMMARY: The proposed rule amendment is necessary to set forth the requirements for limited pro-bono screenings, examinations and treatments pertaining to written dental records, minimum content and retention of records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 466.004(4) FS.
LAW IMPLEMENTED: 456.058, 466.028(1)(m), (o) FS.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee,

Florida 32399-3258. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) through (6) No change.

(7) Limited Screenings, Examinations and Treatments:
The Board of Dentistry encourages the provision of pro-bono dental screenings services through organized events such as Dental Health Screenings and Give Kids a Smile Program. A strict interpretation of this rule would preclude such efforts to the detriment of the public. Therefore, the Board deems that any records generated as a result of such limited, one-time pro-bono dental screenings, examinations, or treatments through organized events, should be consistent with the nature and scope of the services rendered, should be provided to the recipient or guardian and will not result in the dentist performing such services becoming the dentist of record. The minimum content and record retention set forth in subsection (1) above shall not be required. When the dentist performs such examinations or treatments each recipients or guardian shall be informed in writing of the following:

(a) The limitation of the screening to one-time dental examination and treatment that can reasonably be performed on the same day of screening. In addition, such examinations or treatments would not reasonably require follow-up treatment;

(b) The results of the screening examination or treatments; and

(c) That the screening is not representative of or a substitute for a comprehensive dental exam.

Rulemaking Specific Authority 466.004(4) FS. Law Implemented 456.058, 466.028(1)(m), (o) FS. History—New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended 11-15-99, 4-22-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nova Southeastern University
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: December 19, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.006 RULE TITLE: Licenses and Signs in Office

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to the requirement to obtain a branch office license.

SUMMARY: The rule amendment will delete reference to the requirement to obtain a branch office license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.002(3), 463.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.006 Licenses and Signs in Office.

(1) Every licensed practitioner shall keep the Board office advised of each office from which he or she practices optometry. If a licensed practitioner or certified optometrist engages in the practice of optometry at more than one location, he or she shall ~~obtain a branch office license. Every licensed practitioner or certified optometrist shall~~ keep his or her current license ~~or branch office license~~ conspicuously

displayed at ~~any the~~ locations where he or she ~~practices is practicing~~ at all times and shall, whenever required, exhibit the license to any authorized representative of the Department.

(2) No change

~~Rulemaking Specific~~ Authority 463.005(1) FS. Law Implemented 463.002(3), 463.011 FS. History--New 11-13-79, Amended 3-13-81, 6-29-82, Formerly 21Q-3.06, Amended 12-16-86, 2-13-90, Formerly 21Q-3.006, 61F8-3.006, 59V-3.006, Amended 11-13-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.019 RULE TITLE: Address of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to set the requirements for notification of the licensee’s current mailing address, primary place of practice, as well as the address of the branch office at which the licensee will be practicing.

SUMMARY: The rule amendment will add new language to set the requirements for notification of the licensee’s current mailing address, primary place of practice, as well as the address of the branch office at which the licensee will be practicing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.035, 463.005(1) FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.019 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification by certified mail of the licensee's current mailing address and primary place of practice within 10 days upon change thereof. The term "place of practice" means the address(es) of the physical location(s) where the licensee practices optometry. It shall also be the duty of each licensee to provide to the Department of health written notification by certified mail of any branch office at which the licensee will be practicing. This notification must be provided to the Department of Health in advance of the licensee's practice at the new location. For each branch office, mobile office or secondary place of practice, the licensee shall meet all the requirements of Rule Chapter 64B13-16, Florida Administrative Code.

Rulemaking Specific Authority 456.035, 463.005(1) FS. Law Implemented 456.035 FS. History—New 12-22-94, Formerly 59V-3.019, Amended 3-8-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-6.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to the fees for issuance and biennial renewal of an initial Branch Office license and renumber the rule accordingly.

SUMMARY: The rule amendment will delete reference to the fees for issuance and biennial renewal of an initial Branch Office license and renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (3) No change.

~~(4) The fee to be paid for the issuance of an initial Branch Office License shall be one hundred dollars (\$100). The fee for issuance of additional Branch Office Licenses shall be twenty five dollars (\$25) each.~~

~~(5) The fee to be paid for biennial renewal of an initial Branch Office License shall be one hundred dollars (\$100). The fee for renewal of additional Branch Office Licenses shall be twenty five dollars (\$25) each.~~

(6) through (16) renumbered (4) through (14) No change.

Rulemaking Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04, 9-20-05, 11-16-05, 10-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.009
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete language referencing the display of license at a branch office and renumber the rule accordingly.

SUMMARY: The rule amendment will delete language referencing the display of license at a branch office and renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 2. No change.

~~3. Failure to conspicuously display a license at a branch office location as required per Section 463.011, F.S. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.~~

4. through 6. renumbered 3. through 5. No change.

(b) No change

(5) through (6) No change.

Rulemaking Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Amended 7-13-08, 10-30-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-16.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the definition for “Branch Office” and renumber the rule accordingly.

SUMMARY: The rule amendment will delete the definition for “Branch Office” and renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 463.005(1)(a) FS.

LAW IMPLEMENTED: 463.001, 463.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.001 Definitions.

For purposes of interpreting this rule chapter, the following terms are defined as stated below:

(1) No change.

~~(2) Branch Office License is defined as the certificate issued pursuant to Rule 64B13-16.002, Florida Administrative Code, to a licensed practitioner or certified optometrist, which authorizes the practice of optometry by that individual at more than one location.~~

(3) through (5) renumbered (2) through (4) No change.

Rulemaking Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History--New 5-29-90, Formerly 21Q-16.001, 61F8-16.001, 59V-16.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-16.005
 RULE TITLE: Exceptions to Branch Office License Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule title and to add reference to Rule Chapter 64B13-3, Florida Administrative Code.

SUMMARY: The rule amendment will update the rule title and to add reference to Rule Chapter 64B13-3, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 463.005(1)(a) FS.

LAW IMPLEMENTED: 463.001, 463.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.005 Exceptions to Branch Office License Requirements.

(1) through (2) No change.

(3) Nothing within this rule shall be read to prohibit a licensed practitioner or certified optometrist from employing, or from forming partnerships or professional associations with other licensed practitioner or certified optometrist at various locations. However, if the licensed practitioner or certified optometrist practices at more than one location, he or she shall be in compliance with the requirements of this rule and Rule Chapter 64B13-3, Florida Administrative Code.

Rulemaking Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History--New 5-29-90, Formerly 21Q-16.005, 61F8-16.005, 59V-16.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09942	State Uniform Transfer of Students in the Middle Grades

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 36, September 7, 2012 Florida Administrative Register has been continued from December 12, 2012 to February 18, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-3.0291	Specifications for New School Buses

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 71, November 14, 2012 Florida Administrative Register has been continued from December 12, 2012 to February 18, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0573	Industry Certification Process

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 92, December 17, 2012 Florida Administrative Register has been continued from January 15, 2013 to February 18, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.044	Residency for Tuition Purposes

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 98, December 27, 2012 issue of the Florida Administrative Register. The rule development workshop was incorrectly noticed as January 21, 2013. The correct date for the rule development workshop is January 22, 2013.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:	RULE TITLE:
19B-5.001	Plan Types

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 43, October 4, 2012 issue of the Florida Administrative Register has been withdrawn. Notice of Proposed Rulemaking will be resubmitted.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER13-1	Viva Florida 500 Second Chance Promotion.

SUMMARY: The Department of the Lottery will conduct the Viva Florida 500 Second Chance Promotion between January 8, 2013, and April 2, 2013, in which three second chance drawings will be held and special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-1 Viva Florida 500 Second Chance Promotion.
(1) Beginning January 8, 2013, through April 2, 2013, the Florida Lottery will conduct the Viva Florida 500 Second Chance Promotion in which players can enter their non-winning FLORIDA TREASURE HUNT Florida Lottery Scratch-Off tickets on the Florida Lottery website for a chance

to win a Mazda® CX-5, a Florida Vacation Package, or \$500 in cash. Winning FLORIDA TREASURE HUNT tickets cannot be used for entry into the Viva Florida 500 Second Chance Promotion.

(2) Three second chance drawings will be held between February 6, 2013, and April 3, 2013, from entries submitted by midnight ET the night before each drawing. Entries will be good for one drawing only. The drawing schedule is:

Drawing	From Entries Submitted	Drawing Date
1	January 8, 2013	Wednesday
	February 5, 2013	February 6, 2013
2	February 6, 2013	Wednesday
	March 5, 2013	March 6, 2013
3	March 6, 2013 – April 2, 2013	Wednesday
		April 3, 2013

(3) In each of the second chance drawings, one grand prize winner will win a Mazda CX-5, four second prize winners will win a Florida Vacation Package, and ten third prize winners will win \$500 in cash. A grand total of forty-five prizes will be awarded in the second chance drawings.

(4) To enter a non-winning FLORIDA TREASURE HUNT Scratch-Off ticket in the Viva Florida 500 Second Chance Promotion, visit the Florida Lottery’s website at www.flalottery.com, click on the Viva Florida 500 Second Chance banner, and follow the “Ticket Entry” directions. Players will be prompted to log in or register. Scratch off the latex covering to reveal the 24-digit ticket number (4-digit game number and 20-digit ticket number) located below the play instructions on the front of a Scratch-Off ticket and enter the entire 24-digit ticket number in the designated area. Players will be provided an option to “Discover Florida” via the interactive Discover Florida Map and reveal the number of entries assigned to the ticket. Each non-winning FLORIDA TREASURE HUNT Scratch-Off ticket is randomly assigned a predetermined number of entries ranging between three and twelve. If players choose not to use the interactive feature or if they experience technical problems while using the interactive feature, the entries that would have been revealed in the course of “Discovering Florida” will be credited to their entry account for that drawing period.

(5) Players may enter as many times as they wish during the promotion period. However, each valid ticket number may only be used one time, for one opportunity to receive entries into one Viva Florida 500 second chance drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned. The odds of winning are dependent upon the number of entries submitted.

(6) Drawings. In each of the three drawings, the first valid entry drawn will win the grand prize of a Mazda® CX-5. The second through fifth valid entries drawn will win a second prize of one of four Florida Vacation Packages and \$500. Florida Vacation Packages will be awarded in the following order: Boca Raton Resort & Club, Hawk’s Cay Resort, Melia Orlando Suite Hotel, and Renaissance World Golf Village. The sixth through fifteenth valid entries drawn will win a third prize of \$500 and will be used in the order in which they were drawn and in the order of need to select an alternate grand prize or second prize winner in the event a grand prize or second prize cannot be awarded. Alternate winners will not be selected for third prizes.

(7) Notification.

(a) The prize winners in each second chance drawing will be posted on flalottery.com after the drawing. The Florida Lottery will attempt to notify each grand prize, second prize, and third prize winner by telephone, U.S. mail or e-mail using the contact information provided in the winner’s registration data no later than one week after the winners are drawn. If the Florida Lottery is unable to contact a grand prize or second prize winner within three weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to the first alternate winner who has claimed his or her third prize in accordance with section (8) as described below. If the Florida Lottery is unable to contact the alternate winner within three weeks of the date of award of the prize, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Lottery is unable to contact an alternate, the prize will not be awarded. If the Florida Lottery is unable to contact a third prize winner within three weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. A third prize winner who forfeits his or her right to claim a third prize will also forfeit his or her right to serve as an alternate for a grand or second prize.

(b) A grand prize alternate winner who has claimed a third prize at the time of notification that he or she is the alternate winner of the grand prize may retain his or her third prize in addition to the grand prize.

(c) A second prize alternate winner who has claimed a third prize at the time of notification that he or she is the alternate winner of the second prize may retain his or her third prize; however, the second prize alternate winner will be awarded only the vacation package portion of the second prize.

(d) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(8) How to Claim a Prize. To claim a grand prize, second prize, or third prize in a Viva Florida 500 second chance drawing, the player must submit to the Florida Lottery the original valid non-winning FLORIDA TREASURE HUNT ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL 173-2, revised 02/11, or Spanish Winner Claim Form DOL 173-2S, revised 02/11, and appropriate identification. Grand prize and second prize winners must also submit a notarized Florida Lottery Release and Authorization Form DOL-474, revised 10/08 or Spanish Florida Lottery Release and Authorization Form DOL-474S, effective 09/11. Forms DOL 173-2, DOL 173-2S, DOL-474 and DOL-474S are hereby incorporated by reference and may be obtained at any Lottery office, from the Florida Lottery's website at www.flalottery.com, or by writing to: Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The required forms must be received by the Florida Lottery no later than one week after the winner is notified by the Florida Lottery that he or she is a winner. If the Florida Lottery has not received the required forms by the seventh day after notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described in subsection (6) above.

(9) Award of Grand Prizes. Upon the Florida Lottery's receipt of a grand prize winner's required documentation, the Lottery will award a prize of a 2013 Mazda CX-5 (Sport equipped with standard options). The winner will be able to select the color of the vehicle from available color options.

(a) The Florida Lottery will notify the fulfillment company, which will arrange for delivery of the vehicle to the designated authorized Mazda dealership from which the winner will take possession of his or her vehicle prize. The designated dealership will be as near to the winner's place of residence as is practicable. The winner must present proof of a valid driver's license and proof of vehicle insurance as required by the laws of the state in which the vehicle is delivered, which in Florida are Chapters 322 and 320, Florida Statutes, respectively. If the winner is unable to provide proof of a valid driver's license, the vehicle must be removed by trailer or similar transport equipment provided by the winner or driven by a person who is able to provide proof of a valid driver's license. The winner must take possession of the vehicle within thirty days of receipt of notification that it is ready for pick up at the designated dealership. If the winner fails to take possession of the vehicle within thirty days of pickup notification, unless prior alternate arrangements have been made, the vehicle prize will be forfeited and no cash prize will be substituted. The cost of travel to take possession of a vehicle prize shall be the responsibility of the prizewinner.

(b) The Florida Lottery provides no warranty for the Mazda CX-5. Any warranties and guarantees are those of the manufacturer only.

(c) The Florida Lottery will pay tax, tag, title and additional fees on the Mazda CX-5 as well as applicable federal income tax withholding on the value of the Mazda CX-5 prize. The Mazda CX-5 prize is valued at approximately \$23,995, including tax, tag, title and additional fees plus applicable federal income tax withholding. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the winner.

(d) The winner of the Mazda CX-5 must be 18 years of age or older.

(e) A cash option is not available in lieu of the vehicle. However, the Florida Lottery reserves the right to award a cash prize of \$23,995 in lieu of a vehicle if, for reasons beyond the control of the Lottery, a vehicle is not available for award to a player. Federal income tax withholding will be deducted from a cash prize awarded under this provision. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(10) Award of Second Prizes. Upon the Florida Lottery's receipt of a second prize winner's required documentation, the Lottery will award a cash prize of \$500 and a Florida Vacation Package. The Lottery will provide second prize winners a certificate describing the vacation package won and containing all information necessary for the prize winner to make reservations to fulfill the prize. The Florida Vacation Packages are: Boca Raton Resort & Club, Boca Raton; Hawk's Cay Resort, Duck Key; Melia Orlando Suite Hotel, Orlando; and Renaissance World Golf Village, St. Augustine.

(a) Boca Raton Resort & Club Package. Package will include four days/three nights' hotel accommodations for two persons, one dinner for two, a choice of either two 50-minute spa treatments or one round of golf for two, and \$500 in cash. (Estimated retail value including the cash portion of the prize - \$2,000)

(b) Hawk's Cay Resort Package. Package will include four days/three nights' hotel accommodations for two persons, one sunset cruise for two, 50-minute massage for two, two-hour stand-up paddle board rentals for two, and \$500 in cash. (Estimated retail value including the cash portion of the prize - \$2,000)

(c) Melia Orlando Suite Hotel Package. Package will include four days/three nights' accommodations for four persons in a two-bedroom condominium suite, daily deluxe continental breakfast for four, one lunch for four, one dinner for four, and \$500 in cash. (Estimated retail value including the cash portion of the prize - \$1,525)

(d) Renaissance World Golf Village Package. Package will include four days/three nights' hotel accommodations for two persons, one round of golf for two, and \$500 in cash. (Estimated retail value including the cash portion of the prize – \$1,400)

Hotel accommodations include all taxes and resort fees. Reservations must be made with the hotel a minimum of thirty days prior to the winner's arrival. Each Florida Vacation Package must be used by April 3, 2014. A second prize does not include travel to and from the resort/hotel, mileage, meals (except as specified above), parking fees, incidentals, tips, telephone calls or any other personal expenses such as valet service, laundry, etc., as well as revision or cancellation fees that may be charged by the hotel or other suppliers. The second prize winner must have a valid credit card or shall be required to post a cash deposit to cover incidental costs when checking into the hotel. The second prize winner must present acceptable identification and/or travel documents (e.g., a valid U.S. driver's license or passport). A winner may transfer the vacation portion of the second prize one time, prior to booking, at no additional cost; however, the value of the second prize will remain taxable income to the winner. The Florida Lottery reserves the right, in its sole discretion, to substitute a different prize of comparable value should the second prize become unavailable. A cash option is not available in lieu of a second prize.

(11) Award of Third Prizes. Upon the Florida Lottery's receipt of a third prize winner's required documentation, the Florida Lottery will award a cash prize of \$500.

(12) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes shall be paid in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(14) Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on the prizes won in the Viva Florida 500 Second Chance Promotion will be the responsibility of the winner. Federal income taxes are required to be withheld from a second prize awarded to a nonresident alien claimant at the rate of thirty percent pursuant to applicable provisions of the Internal Revenue Code. A nonresident alien claimant who is selected as a winner of a second prize for which the amount of the withholding tax will exceed the cash portion of the prize will be required to pay the excess amount or forfeit the prize. The reporting and subsequent payment of any additional federal, state or local taxes will be the responsibility of the nonresident alien winner.

(15) If the winner of a second prize in a Viva Florida 500 second chance drawing is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with section 24.115, Florida Statutes. If the debt is an amount of less than the cash portion of the prize, the non-cash portion of the prize and the cash portion of the prize less the amount owed shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes, and the winner will receive the remaining non-cash portion of the prize.

(16) Players must be at least 18 years of age. Persons prohibited by section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(17) The right to claim a prize cannot be assigned to another person or entity.

(18) By entering the Viva Florida 500 Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to VISIT FLORIDA® and to the Lottery's fulfillment company for prize fulfillment purposes.

(19) By entering the Viva Florida 500 Second Chance Promotion, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(20) Viva Florida 500 second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

Rulemaking Authority 24.105(9), 24.109(1), FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 1-4-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: January 4, 2013

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER13-2
RULE TITLE: Instant Game Number 1177, QUICK \$25s.

SUMMARY: This emergency rule describes Instant Game Number 1177, "QUICK \$25s" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-2 Instant Game Number 1177, QUICK \$25s.

(1) Name of Game. Instant Game Number 1177, "QUICK \$25s."

(2) Price. QUICK \$25s lottery tickets sell for \$1.00 per ticket.

(3) QUICK \$25s lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning QUICK \$25s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-80, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	Quick DOUBLE	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN		

(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY
\$25.00 THY FIVE	\$40.00 FORTY	\$50.00 FIFTY	\$100 ONE HUN	\$3,000 THR THOU	

(7) The legends are as follows:

WINNING NUMBERS	YOUR NUMBERS	PRIZE
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches either play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding "PRIZE" shown for that

symbol. A ticket having a "Quick DOUBLE" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to double the "PRIZE" shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100 and \$3,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1177 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 64 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	11.11	1,382,400
\$1 (QUICK)	\$2	37.50	409,600
\$1 x 2	\$2	60.00	256,000
\$2	\$2	37.50	409,600
\$1 x 4	\$4	300.00	51,200
\$1 (QUICK) + \$2	\$4	150.00	102,400
\$2 (QUICK)	\$4	150.00	102,400
\$2 x 2	\$4	300.00	51,200
\$4	\$4	300.00	51,200
(\$1 x 3) + \$2	\$5	750.00	20,480
\$1 + \$2 (QUICK)	\$5	750.00	20,480
\$1 + (\$2 x 2)	\$5	750.00	20,480
\$1 + \$4	\$5	750.00	20,480
\$5	\$5	750.00	20,480
\$2 + \$4 (QUICK)	\$10	750.00	20,480
(\$2 x 3) + \$4	\$10	750.00	20,480
\$5 (QUICK)	\$10	750.00	20,480
\$5 x 2	\$10	750.00	20,480
\$10	\$10	750.00	20,480
\$5 (QUICK) + \$10	\$20	1,500.00	10,240
\$5 x 4	\$20	1,500.00	10,240
\$10 (QUICK)	\$20	1,500.00	10,240
(\$5 x 2) + \$10	\$20	1,500.00	10,240
\$20	\$20	1,500.00	10,240
\$5 + (\$10 x 2)	\$25	2,400.00	6,400
\$5 + \$5 (QUICK) + \$25	\$25	2,400.00	6,400
\$10	\$25	2,400.00	6,400
(\$5 x 3) + \$10	\$25	2,400.00	6,400
\$5 + \$10 (QUICK)	\$25	2,400.00	6,400
\$25	\$25	2,400.00	6,400
\$10 (QUICK) + \$20	\$40	6,000.00	2,560
\$10 x 4	\$40	6,000.00	2,560
\$20 (QUICK)	\$40	6,000.00	2,560
(\$10 x 2) + \$20	\$40	8,000.00	1,920
\$40	\$40	8,000.00	1,920
(\$10 x 3) + \$10	\$50	12,000.00	1,280
(QUICK)	\$50	12,000.00	1,280
(\$10 x 3) + \$20	\$50	17,142.86	896
\$10 + (\$20 x 2)	\$50	12,000.00	1,280
\$25 (QUICK)	\$50	12,000.00	1,280
\$50	\$50	12,000.00	1,280
(\$20 x 3) + \$20	\$100	24,000.00	640
(QUICK)	\$100	24,000.00	640

\$25 x 4	\$100	24,000.00	640
\$20 + (\$40 x 2)	\$100	24,000.00	640
\$50 (QUICK)	\$100	24,000.00	640
\$100	\$100	24,000.00	640
\$3,000	\$3,000	240,000.00	64

(10) The estimated overall odds of winning some prize in Instant Game Number 1177 are 1 in 4.92. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1177, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for QUICK \$25s lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 1-4-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 4, 2013

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER13-3
 RULE TITLE: Instant Game Number 1178, QUICK SILVER

SUMMARY: This emergency rule describes Instant Game Number 1178, "QUICK SILVER" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-3 Instant Game Number 1178, QUICK SILVER.

(1) Name of Game. Instant Game Number 1178, "QUICK SILVER."

(2) Price. QUICK SILVER lottery tickets sell for \$2.00 per ticket.

(3) QUICK SILVER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning QUICK SILVER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-80, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE 11 ELEVN DOUBLE	2 THO 12 THELV	3 THREE 13 THRTN	4 FOUR 14 FORTN	5 FIVE 15 FIFTN	6 SIX 16 SIXTN	7 SEVEN 17 SVNTN	8 EIGHT 18 EGHTN	9 NINE 19 NINTN	10 TEN 20 TENNY
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(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE 11 ELEVN	2 THO 12 THELV	3 THREE 13 THRTN	4 FOUR 14 FORTN	5 FIVE 15 FIFTN	6 SIX 16 SIXTN	7 SEVEN 17 SVNTN	8 EIGHT 18 EGHTN	9 NINE 19 NINTN	10 TEN 20 TENNY
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(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE \$30.00 THIRTY	\$2.00 THO \$40.00 FORTY	\$4.00 FOUR \$100 ONE HUN	\$5.00 FIVE \$200 THO HUN	\$10.00 TEN \$400 FOUR HUN	\$15.00 FIFTEEN \$2,000 THO THOU	\$20.00 TWENTY \$5,000 FIVE THOU	\$25.00 THY FIVE \$30,000 THRY THOU
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(7) The legends are as follows:

WINNING NUMBERS	YOUR NUMBERS	PRIZE
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches either play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a "DOUBLE" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$40.00, \$100, \$200, \$400, \$2,000, \$5,000 and \$30,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1178 are as follows:

GAME PLAY:	WIN:	ESTIMATED ODDS OF 1 IN:	NUMBER OF WINNERS IN 74 POOLS OF 180,000 TICKETS PER POOL:
\$2	\$2	10.00	1,332,000
\$1 x 4	\$4	50.00	266,400
(\$1 x 2) + \$2	\$4	50.00	266,400
\$2 (\$\$)	\$4	50.00	266,400

\$4	\$4	50.00	266,400
\$1 x 5	\$5	375.00	35,520
(\$1 x 3) + \$2	\$5	375.00	35,520
\$2 (\$\$) + \$1	\$5	375.00	35,520
\$1 + \$4	\$5	375.00	35,520
\$5	\$5	375.00	35,520
\$1 x 10	\$10	250.00	53,280
(\$1 x 5) + \$5	\$10	250.00	53,280
\$2 x 5	\$10	250.00	53,280
\$5 (\$\$)	\$10	250.00	53,280
\$10	\$10	250.00	53,280
(\$1 x 5) + (\$2\$15		750.00	17,760
x 5)			
\$5 + \$10	\$15	750.00	17,760
\$2 + (\$4 x 2)\$15		750.00	17,760
+ \$5			
\$5 + \$5 (\$\$)	\$15	750.00	17,760
\$15	\$15	750.00	17,760
\$1 + (\$2 x 7)\$25		900.00	14,800
+ (\$5 x 2)			
\$10 + \$15	\$25	900.00	14,800
(\$2 x 5) + (\$5\$25		900.00	14,800
x 3)			
\$5 + \$10 (\$\$)	\$25	900.00	14,800
\$25	\$25	1,200.00	11,100
(\$2 x 5) + (\$4\$30		3,600.00	3,700
x 5)			
\$5 x 6	\$30	3,600.00	3,700
\$10 x 3	\$30	3,600.00	3,700
\$15 (\$\$)	\$30	3,600.00	3,700
\$30	\$30	3,600.00	3,700
\$4 x 10	\$40	6,000.00	2,220
(\$4 x 5) + (\$5\$40		6,000.00	2,220
x 4)			
\$10 x 4	\$40	6,000.00	2,220
\$10 + \$15\$40		6,000.00	2,220
(\$\$)			
\$40	\$40	6,000.00	2,220
(\$4 x 5) + \$100		3,600.00	3,700
(\$10 x 4) +			
\$40			
\$10 x 10	\$100	3,600.00	3,700
(\$10 x 2) + \$100		3,600.00	3,700
\$40 (\$\$)			
(\$10 x 4) + \$100		3,600.00	3,700
(\$30 x 2)			
\$100	\$100	3,600.00	3,700
\$20 x 10	\$200	18,000.00	740
\$25 x 8	\$200	18,000.00	740
\$10 (\$\$) + \$200		18,000.00	740
(\$30 x 6)			
\$100 (\$\$)	\$200	18,000.00	740
\$200	\$200	18,000.00	740
\$40 x 10	\$400	45,000.00	296
(\$40 x 5) + \$400		45,000.00	296
(\$100 x 2)			
\$100 x 4	\$400	45,000.00	296
\$200 (\$\$)	\$400	45,000.00	296

\$400	\$400	45,000.00	296
\$200 x 10	\$2,000	333,000.00	40
(\$100 x 6) + \$2,000		333,000.00	40
\$200 + (\$400			
x 3)			
\$200 (\$\$) + \$2,000		296,000.00	45
(\$400 x 4)			
(\$100 x 4) + \$2,000		296,000.00	45
(\$400 x 2) +			
\$400 (\$\$)			
\$2,000	\$2,000	333,000.00	40
\$5,000	\$5,000	1,332,000.00	10
\$30,000	\$30,000	1,332,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 1178 are 1 in 4.36. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1178, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for QUICK SILVER lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 1-4-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 4, 2013

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER13-4
 RULE TITLE: Instant Game Number 1179, FLORIDA TREASURE HUNT

SUMMARY: This emergency rule describes Instant Game Number 1179, "FLORIDA TREASURE HUNT" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-4 Instant Game Number 1179, FLORIDA TREASURE HUNT.

(1) Name of Game. Instant Game Number 1179, "FLORIDA TREASURE HUNT."

(2) Price. FLORIDA TREASURE HUNT lottery tickets sell for \$3.00 per ticket.

(3) FLORIDA TREASURE HUNT lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning FLORIDA TREASURE HUNT lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-80, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The "GO TO" coordinates are as follows:

GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO
 A2 A3 A4 A5 A6 B1 B2 B3 B4 B5 B6 C1 C2 C3 C4 C5
 GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO GO TO
 G6 D1 D2 D3 D4 D5 D6 E1 E2 E3 E4 E5 E6 F1 F2 F3
 GO TO GO TO GO TO
 F4 F5 F6



(6) Except for the "SKULL GAME OVER" symbol, the play symbols and corresponding play symbol captions in subsection (4) will always appear in the grid in combination with a "GO TO" coordinate in subsection (5); however, a "GO TO" coordinate may appear in the grid by itself.

(7) How to Play. There are a total of thirty-six coordinates on each FLORIDA TREASURE HUNT ticket comprising letters A-F in conjunction with numbers 1-6. The starting coordinate on the grid is A1. Each coordinate will reveal the next "GO TO" coordinate. The game ends after three skull symbols are revealed in the course of the treasure hunt.

(8) Determination of Prizewinners.

(a) A ticket having three like play symbols and corresponding play symbol captions shall entitle the claimant to the corresponding prize shown in the "PRIZE LEGEND" for that symbol. A ticket may have up to three sets of matching symbols.

(b) The prizes are: \$3, \$6, \$9, \$12, \$20, \$50, \$100, \$500, \$1,000, and \$50,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1179 are as follows:

	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 44 POOLS OF 180,000 TICKETS PER POOL
3 COINS	\$3	1 IN 10.00	792,000
3 PICKS	\$6	11.11	712,800
3 PALMS	\$9	100.00	79,200
3 COINS + 3\$9 PICKS	\$9	100.00	79,200
3 SCOPES	\$12	100.00	79,200
3 PICKS + 3\$15 PALMS	\$15	100.00	79,200
3 MAPS	\$20	100.00	79,200
3 COINS + 3\$35 SCOPES + 3 MAPS	\$35	195.65	40,480
3 CANNON	\$50	360.00	22,000
3 WHEELS	\$100	600.00	13,200
3 GOLD BARS	\$500	18,000.00	440
3 CHESTS	\$1,000	45,000.00	176
3 SHIPS	\$50,000	792,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 1179 are 1 in 4.01. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1179, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for FLORIDA TREASURE HUNT lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 1-4-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 4, 2013

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER13-5
 RULE TITLE: Instant Game Number 1180, KING'S RANSOM

SUMMARY: This emergency rule describes Instant Game Number 1180, "KING'S RANSOM" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-5 Instant Game Number 1180, KING'S RANSOM.

(1) Name of Game. Instant Game Number 1180, "KING'S RANSOM."

(2) Price. KING'S RANSOM lottery tickets sell for \$5.00 per ticket.

(3) KING'S RANSOM lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning KING'S RANSOM lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-80, F.A.C.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:



(5) The "DEALER'S HAND" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

\$2.00 THO	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN	\$20.00 TWENTY	\$30.00 THIRTY	\$40.00 FORTY	\$50.00 FIFTY
\$100 ONE HUN	\$200 TWO HUN	\$400 FOUR HUN	\$1,000 ONE THOU	\$2,000 TWO THOU	\$10,000 TEN THOU	\$250,000 TWOHUNTRY THOU	

(7) The legends are as follows:

HAND 1 HAND 6 HAND 11	HAND 2 HAND 7 HAND 12	HAND 3 HAND 8	HAND 4 HAND 9	HAND 5 HAND 10
YOUR HANDS		DEALER'S HAND		+

(8) Determination of Prizewinners.

(a) There are twelve hands on a ticket. Each hand is played separately. A ticket having two cards in the "HAND" play area of one hand, the total of which is greater than the total of the

two cards in the "DEALER'S HAND" play area shall entitle the claimant to the corresponding prize shown for that hand. A



ticket having two "KING" symbols in the "HAND" play area of one hand, shall entitle the claimant to double the corresponding



prize shown for that hand. A ticket having two "WINALL" symbols in the "HAND" play area of one hand, shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$400, \$1,000, \$2,000, \$10,000 and \$250,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1180 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 60 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	720,000
\$2 x 5	\$10	30.00	240,000
\$5 (PAIR OF KINGS)	\$10	60.00	120,000
\$5 x 2	\$10	60.00	120,000
\$10	\$10	30.00	240,000
(\$2 x 5) + \$5	\$15	300.00	24,000
\$5 (PAIR OF KINGS) + \$5	\$15	300.00	24,000
\$5	\$15	300.00	24,000
\$5 x 3	\$15	300.00	24,000
\$5 + \$10	\$15	300.00	24,000
\$15	\$15	300.00	24,000
\$2 x 10	\$20	300.00	24,000
\$5 x 4	\$20	300.00	24,000
\$10 x 2	\$20	300.00	24,000
\$10 (PAIR OF KINGS)	\$20	300.00	24,000
\$20	\$20	300.00	24,000
(\$2 x 10) + (\$5 x 2)	\$30	600.00	12,000
(PAIR OF CROWNS)	\$30	600.00	12,000
\$5 (PAIR OF KINGS) + \$30	\$30	600.00	12,000
\$10 (PAIR OF KINGS)	\$30	600.00	12,000
\$5 x 6	\$30	600.00	12,000
\$15 (PAIR OF KINGS)	\$30	600.00	12,000
\$30	\$30	600.00	12,000
(\$2 x 10) + (\$10 x 2)	\$40	1,846.15	3,900
(PAIR OF CROWNS)	\$40	2,000.00	3,600
(\$5 x 5) + \$15	\$40	2,000.00	3,600
\$10 (PAIR OF KINGS)	\$40	2,000.00	3,600
+\$10 x 2	\$40	1,846.15	3,900
(\$5 x 2) + \$15 (PAIR OF KINGS)	\$40	2,000.00	3,600
\$40	\$40	2,000.00	3,600
(\$2 x 5) + (\$5 x 6) + \$10	\$50	1,500.00	4,800
(PAIR OF CROWNS)	\$50	2,000.00	3,600
\$10 x 5	\$50	2,000.00	3,600

\$10 (PAIR OF KINGS)\$50	1,500.00	4,800
+ \$30		
\$20 + \$15 (PAIR OF\$50	1,500.00	4,800
KINGS)		
\$50	\$50	2,000.00 3,600
(\$10 x 8) + (\$5 x 4)\$100	1,500.00	4,800
(PAIR OF CROWNS)		
(\$10 x 2) + (\$20 x 2) +\$100	1,500.00	4,800
\$40		
\$20 x 5	\$100	2,000.00 3,600
\$40 + (\$30 x 2)	\$100	2,000.00 3,600
\$50 (PAIR OF KINGS) \$100	1,500.00	4,800
\$100	\$100	2,000.00 3,600
(\$10 x 10) + (\$50 x 2)\$200	12,000.00	600
(PAIR OF CROWNS)		
(\$30 x 5) + \$50	\$200	12,000.00 600
\$50 x 4	\$200	12,000.00 600
\$100 (PAIR OF KINGS)\$200	12,000.00	600
\$200	\$200	12,000.00 600
(\$30 x 8) + (\$40 x 4)\$400	20,000.00	360
(PAIR OF CROWNS)		
\$50 x 8	\$400	20,000.00 360
\$100 x 4	\$400	20,000.00 360
\$200 (PAIR OF KINGS)\$400	20,000.00	360
\$400	\$400	20,000.00 360
(\$100 x 8) + (\$50 x 4)\$1,000	60,000.00	120
(PAIR OF CROWNS)		
(\$100 x 6) + (\$200 x 2) \$1,000	60,000.00	120
\$100 (PAIR OF KINGS)\$1,000	60,000.00	120
x 5		
\$200 + \$400 (PAIR OF\$1,000	60,000.00	120
KINGS)		
\$1,000	\$1,000	60,000.00 120
\$200 x 10	\$2,000	60,000.00 120
\$1,000 (PAIR OF\$2,000	60,000.00	120
KINGS)		
\$2,000	\$2,000	60,000.00 120
\$10,000	\$10,000	120,000.00 60
\$250,000	\$250,000	1,800,000.00 4

(10) The estimated overall odds of winning some prize in Instant Game Number 1180 are 1 in 3.98. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1180, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for KING'S RANSOM lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 1-4-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 4, 2013

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 3, 2013, the Department issued a Final Order that was in response to a Petition for Variance from Kalmia Condominium No. 5 Association, Inc., filed December 12, 2012, and advertised on December 13, 2012 in Vol. 38, No. 94, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations because Petitioner did not offer any means of meeting intent of code (VW 2012-406).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 3, 2013 the Division issued an order. The Final Order was in response to a Petition for a Variance from Ocala Meadows, filed December 6, 2012 and advertised in Vol. 38, No. 90, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on

the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, 2.18.5, and 8.11.2.1.3(cc)1&3 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators from the requirement that suspension and governor ropes be no less than 9.5mm to allow the installation of EcoSpace® elevator system with 6mm governor ropes and 8 mm hoist ropes because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-392).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 3, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Clearwater Clinical, filed December 10, 2012, and advertised in Vol. 38, No. 93, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators sump pump in the hoistway because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-394).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 3, 2013 the Division issued an order. The Final Order was in response to a Petition for a Variance from 601 Copeland Building, filed December 10, 2012, and advertised in Vol. 38, No. 93, of the Florida Administrative Weekly. No

comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, and 2.24.2.1, ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators from the use of a 9.5 mm steel rope and requirement of a metallic sheave and replace with 8mm steel ropes because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-395).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 31, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Woolbright Corporate Center. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-419).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on January 2, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Shands Jacksonville-Tower II. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of

this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-001).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on January 3, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Oak Park Executive Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.1, 3.10.4(t), 3.4.3(d), 3.3.3 and 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators car emergency signaling devices, in-car stop switch, sight guards, hinged platform sills, and top-of-car operating devices operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-002).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

NOTICE IS HEREBY GIVEN that on January 3, 2013, the Board of Medicine received a petition for waiver filed by Lysmar Carrion, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: RULE TITLE:

68C-22.026: Sarasota County Zones

The Florida Fish and Wildlife Conservation Commission hereby gives notice:

On January 4, 2013, the Commission issued an order granting a temporary variance, with conditions, from section (2)(a)4 of the Sarasota County manatee protection (Rule 68C-22.026, Florida Administrative Code) to the Sarasota Ski-A-Rees, Inc. ("Ski-A-Rees"). The petition was filed with the Commission on November 4, 2012, and a notice of petition was published in the Florida Administrative Register on December 6, 2012. One public comment was received. The variance authorizes Ski-A-Rees to continue to operate motorboats above regulated speeds while engaged in show-ski operations and training within a portion of the Slow Speed zone near City Island. The variance applies through December 7, 2017. A variance was granted because the Commission determined that a substantial hardship exists and because the purposes of §370.12(2), F.S., would be achieved by other means, specifically through the setting of conditions and limitations on the activities.

A copy of the Order or additional information may be obtained by contacting: Mr. Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, Florida 32399.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Department of Legal Affairs, Florida Council on the Social Status of Black Men and Boys, announces the following full Council meeting and public forum which all persons are invited to attend.

Council on the Social Status of Black Men and Boys (Public Forum)

DATE AND TIME: January 31, 2013, 3:00 p.m. – 7:00 p.m.

PLACE: Daytona Beach, Florida 32118; telephone: (386)947-8052.

Council on the Social Status of Black Men and Boys (Business Meeting)

DATE AND TIME: February 1, 2013, 9:00 a.m. – 5:30 p.m.

PLACE: Daytona Beach, Florida 32118; telephone: (386)947-8052.

Please be advised that meeting locations and times maybe subject to change. For updates please visit <http://www.cssbmb.com>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence,

drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

The Florida Amusement Device and Attraction Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2013, 10:00 a.m.

PLACE: Equestrian Pavilion, Florida State Fairgrounds, 4800 US Highway 301, Tampa, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting to discuss industry related issues.

A copy of the agenda may be obtained by contacting: Michelle Faulk, Bureau of Fair Rides Inspection, Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-1600, (850)410-3838.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michelle Faulk, (850)410-3838. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Bay Area Resource Council announces public meetings to which all persons are invited.

DATES AND TIMES: BARC, January 23, 2013, 10:00 a.m.; BARC TAC, January 23, 2013, 8:30 a.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Road, Suite A, Pensacola Florida 32514.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Bay Area Resource Council.

A copy of the agenda may be obtained by contacting: Mike Reistad, West Florida Regional Planning Council, (850)332-7976, x222, michael.reistad@wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mike Reistad, (850)332-7976, x222, michael.reistad@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mike Reistad, West Florida Regional Planning Council, (850)332-7976, x222, michael.reistad@wfrpc.org.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2013, 9:00 a.m.

PLACE: ECFRPC Offices: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Executive Committee to discuss the January 2013 Council Meeting. Please note that the Executive Committee meeting previously scheduled for Monday, January 7, 2013 has been CANCELLED.

A copy of the agenda may be obtained by contacting: Amanda Webb at awebb@ecfrpc.org or (407)262-7772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Amanda Webb at awebb@ecfrpc.org or (407)262-7772. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

EXPRESSWAY AUTHORITIES

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2013, 6:00 p.m. – 8:00 p.m.

PLACE: Cypress Creek High School Cafeteria, 1101 Bear Crossing Drive, Orlando, FL 32824.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Expressway Authority is planning to build a partial interchange between State Road 417 (Central Florida GreeneWay) and State Road 91 (Florida's Turnpike). The project will include new ramps from southbound SR 417 to southbound Florida's Turnpike, new ramps from northbound Florida's Turnpike to northbound SR 417, and a proposed sound wall along the southwest side of the SR 417/Florida's Turnpike interchange. The meeting will be an open-house format where the public will be able to obtain project information and speak with members of the project team.

The Expressway Authority performs noise studies during the design phase of capacity improvement projects. During the design phase, a noise analysis was conducted and locations were identified where a sound wall would be a viable measure to reduce traffic noise. The Expressway Authority is now trying to determine the level of support from potentially affected residents for the construction of these sound walls. The proposed sound wall concepts will be presented at the January 23rd meeting.

A copy of the agenda may be obtained by contacting: Public Information Officer, Brian Hutchings, Orlando-Orange County Expressway Authority, 4974 ORL Tower Road, Orlando, FL 32807, (407)383-4817 or email: construction@oocea.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Hutchings at (407)383-5817 or email construction@oocea.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "the Commission", Accessibility Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2013, 10:00 a.m. until completion

PLACE: Meeting to be conducted using communications technology, specifically, teleconference and webinar. You must access both the webinar for visual aids only and teleconference for audio only.

Teleconference: (888)670-3525; conferencing code: (297)701-3986.

To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=167666847&UID=1306199642&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)

4. Click "Join".

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=167666847&UID=1306199642&ORT=MIMxMQ%3D%3D>

Public Point of Access: Department of Business and Professional Regulation, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and provide recommendations regarding comments submitted on the proposed amendments to the "Request for Waiver" application and incorporated by reference in 61G20-4.001.01 and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Phone (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact Mr. Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0772, (850) 487-1824 or fax (850) 414-8436, Website: www.floridabuilding.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 14, 2013, 7:00 p.m. (ET).

PLACE: Vanguard High School Cafeteria, 7 NW 28th Street, Ocala, FL 34475.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of a Draft Interim Operation and Facilities Plan for the Silver Springs Attraction.

A copy of the agenda may be obtained by contacting: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone (352)236-7152, fax (352)236-7150 or email Sally.Lieb@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone (352)236-7152, fax (352)236-7150 or email Sally.Lieb@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone (352)236-7152, fax (352)236-7150 or email Sally.Lieb@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2013, 10:30 a.m.

PLACE: Wakulla County Public Library, 4330 Crawfordville Highway, Crawfordville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the initiation of the Upper Wakulla River and Wakulla Springs Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the BMAP development process.

A copy of the agenda may be obtained by contacting: Mr. Stephen Cioccia, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, or by e-mail at stephen.cioccia@dep.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Steve.Cioccia at (850)245-8513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The Florida Coordinating Council for the Deaf and Hard of Hearing announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, January 17, 2013, 8:00 a.m., EST

PLACE: Teleconference toll-free #: (888)670-3525, event code: 6625033505

Communication access realtime translation (CART) services will be provided remotely via: <http://www.streamtext.net/text.aspx?event=FCDDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a special teleconference to discuss the content of the Council's 2013 Report to the Governor and Legislature.

Due to the workshop nature of the meeting, public comment will not be heard at this teleconference.

A copy of the agenda may be obtained by contacting: Info@fccdhh.org or MaryGrace_Tavel@doh.state.fl.us.

Phone: (850)245-4913; toll free, (866)602-3275; TTY, (850)245-4914; toll free TTY, (866) 602-3276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: See contact information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: See contact information above.

DEPARTMENT OF HEALTH

Board of Chiropractic

The Board of Chiropractic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2013, 1:00 p.m., at meet me number (888)670-3525, participant passcode 9238150597.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra W Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W Causey. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2013, 10:00 a.m.

PLACE: 1317 Winewood Blvd., Building 3, Room 455, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting of the negotiations team for Invitation to Negotiate # 01U12GC3, Identity Verification Services the Negotiations Team is for the negotiations team to consider the results of negotiations, along with the proof of concept and pilot of the identity verification services. The Department's negotiations team may make a final recommendation for award from this meeting or it may defer the final recommendation until a future public meeting of the Negotiation Team.

The agenda for the meeting is as follows: 1. Open the Meeting. 2. Negotiation Team to discuss the results of negotiations to date. 3. Recommend vendor for award or defer a recommendation until a later meeting. 4. Close the Meeting.

A copy of the agenda may be obtained by contacting: David Shepard, (850) 320-9128, David_Shepard@dcf.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Shepard at (850) 320-9128.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center Finance & Auditing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2013, 8:00 a.m.

PLACE: Department of Juvenile Justice, Knight Building, CR 1134, 2737 Centerview Drive, Tallahassee, Florida 32399-3100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: monica_cash@nsrsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

FLORIDA HEALTH CHOICES

The Florida Health Choices, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 22, 2013, 11:00 a.m.

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Correction: The initial notice was published with an incorrect date of Friday, January 22. The correct date is Tuesday, January 22.

A copy of the agenda may be obtained by contacting: www.floridahealthchoices.org, Laura Schaecher at (850)222-0933 or lschaecher@myfloridachchoices.org.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

NOTICE IS HEREBY GIVEN that the Department of Agriculture and Consumer Services, Division of Consumer Services, Board of Professional Surveyors and Mappers has declined to rule on the petition for declaratory statement filed by Robert E. Holland on September 17, 2012. The following is a summary of the agency's declination of the petition:

The Board declined to issue a declaratory statement because the question posed by the Petitioner requested an answer which was based on a previously committed act that was contractual in nature.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Agriculture and Consumer Services, 407 S. Calhoun St. Mail Stop M12, Tallahassee, FL 32399-0800.

Please refer all comments to: Tracy J. Sumner, Board Counsel, Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, Florida 32399-6500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by David H. Rogel, Esq., In Re: La Brisa Association, Inc., Docket No. 2012043666 on October 17, 2012. The following is a summary of the agency's disposition of the petition:

The Division finds that the use of interest income from the reserves of a particular condominium whose owners are members of La Brisa Association, a multicondominium, may not be utilized for an operating expense related to the multicondominium association's property outside that particular condominium unless the owners of that condominium vote to use their reserves to pay their assessed share of the multicondominium association expense.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001: Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Robert W. Moody, COO for URETEK Holdings, Inc. The petition seeks the agency's opinion as to the applicability of Section R318.5, Florida Building Code, Residential (2010) as it applies to the petitioner.

Petitioner seeks clarification as to whether rigid geotechnical polymers used as a method of soil stabilization is regulated by the 2010 Florida Building Code and if so, whether using the stated technique is prohibited by Section R318.5, Florida Building Code, Residential (2010).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: Mo Madani, CBO Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Medicine

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed by Richard H. Hubbard, M.D., on November 16, 2012. The Petitioner requests the Board's interpretation as to whether Petitioner's interpretation work is in compliance with Florida Statutes. Copies of the petition may be obtained by writing Allison M.

Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of John Luther Lentz, M.D., and J. Luke Lentz, M.D., PA, on November 26, 2012. The Petitioner seeks the Board's interpretation of Section 458.3265, F.S., and seeks the Board's determination that the Petitioner's use of suboxone for the purpose of reducing opioid dependence in patients of the Petitioner does not qualify the Petitioners as a "pain management clinic" under the provisions of Section 458.3265, F.S. The Board will consider this petition at its meeting currently scheduled for February 1-2, 2013. Copies of the petition may be obtained by writing Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

NONE

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Disaster Relief Supply, LLC, d/b/a Destin Wheels for the establishment of CITC line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CitEcar, LLC, intends to allow the establishment of Disaster Relief Supply, LLC, d/b/a Destin Wheels as a dealership for the sale of low-speed vehicles manufactured by CitEcar, LLC (line-make CITC) at 4010 Commons Drive West, Suite 110, Destin, (Okaloosa County), Florida 32541, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Disaster Relief Supply, LLC, are dealer operator(s): Richard W. Fisher, 311 Stillwater Cove, Destin, Florida 32541, principal investor(s): Richard W. Fisher, 311 Stillwater Cove, Destin, Florida 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Justin Jackrel, CitEcar, LLC, 7065 Northwest 22nd Street, Suite A, Gainesville, Florida 32653.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Fache Scooter Shop, Inc. for the BASH line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to section 320.642, Florida Statutes, notice is given that Peace Industry Group (USA), Inc., intends to allow the establishment of Fache Scooter Shop, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacturer Co. Ltd. (line-make BASH) at 2051 Northwest 27 Avenue, Miami, (Miami-Dade County), Florida 33142, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Fache Scooter Shop, Inc., are dealer operator(s): Juan Carlos Fache, 2051 Northwest 27 Avenue, Miami, Florida 33142; principal investor(s): Juan Carlos Fache, 2051 Northwest 27 Avenue, Miami, Florida 33142.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Meiredith Huang, Peace Industry Group (USA), Inc., 6600 B Jimmy Carter Boulevard, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Motorcycle Ave, Inc. for the establishment of WNGY line-make

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Gorilla Motor Works, LLC, intends to allow the establishment of Motorcycle Ave, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (line-make WNGY) at 2725 North Federal Highway, Delray Beach, (Palm Beach County), Florida 33483, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycle Ave, Inc. are dealer operator(s): Grace Silva, 2725 North Federal Highway, Delray Beach, Florida 33483; principal investor(s): Grace Silva, 2725 North Federal Highway, Delray Beach, Florida 33483.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Diana Hammer, Gorilla Motor Works, LLC, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES

Division of Motor Vehicles

Motorcycle Ave, Inc. for the establishment of ZHNG line-make

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Gorilla Motor Works, LLC, intends to allow the establishment of Motorcycle Ave, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng

Motorcycle Co. Ltd. (ZHNG) at 2725 North Federal Highway, Delray, (Palm Beach County), Florida 33483, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycle Ave, Inc., are dealer operator(s): Grace Silva, 2725 North Federal Highway, Delray Beach, Florida 33483; principal investor(s): Grace Silva, 2725 North Federal Highway, Delray Beach, Florida 33483.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Diana Hammer, Gorilla Motor Works, LLC, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES

Division of Motor Vehicles

Soolano Cycle, Inc. for the LMLL line-make

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 815 Beach Boulevard, Unit 3, Jacksonville Beach, (Duval County), Florida 32250, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc., are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Solano Cycle, Inc. for the MOTI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (line-make MOTI) at 815 Beach Boulevard, Unit 3, Jacksonville Beach, (Duval County), Florida 32250, on or after February 6, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc., are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Lisa Marie Macan, L.P.N, License # PN 5146390. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 4, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Kerin E. Miller, R.N., License # RN 9276622. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
