



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application	65C-20.008
Staffing Requirements	65C-20.009
Health Related Requirements	65C-20.010
Health Records	65C-20.011
Large Family Child Care Homes (LFCCH)	65C-20.013
General Information	65C-22.001
Physical Environment	65C-22.002
Training	65C-22.003
Health Related Requirements	65C-22.004
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006
School Age Child Care	65C-22.008

**PURPOSE AND EFFECT:** To discuss proposed clarifications and amendments to the following rules: Chapter 65C-20, F.A.C., Family Day Care Standards and Large Family Child Care Homes and Chapter 65C-22, F.A.C., Child Care Standards.

**SUBJECT AREA TO BE ADDRESSED:** Family Day Care Standards, Large Family Child Care Homes and Child Care Standards.

**SPECIFIC AUTHORITY:** 402.305 FS.

**LAW IMPLEMENTED:** 402.305 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

(1st WORKSHOP)

**TIME AND DATE:** 1:30 p.m., January 30, 2006

**PLACE:** Department of Children and Families, 401 N.W. 2nd Ave., Room N1007, Miami, Florida 33128

(2ND WORKSHOP)

**TIME AND DATE:** 1:30 p.m., February 9, 2006

**PLACE:** Department of Children and Families, 1317 Winewood Boulevard, Building 6, 2nd Floor, Conference Room A, Tallahassee, Florida 32399-0700

(3RD WORKSHOP)

**TIME AND DATE:** 1:30 p.m., February 22, 2006

**PLACE:** Department of Children and Families, 400 W. Robinson Street, Conference Room B, Hurston Building South Tower, Orlando, Florida 32801

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Abbie Messer, Operations Management Consultant II, 1317 Winewood Boulevard, Building 6, Room 373, Tallahassee, FL 32399, (850)488-4900

Copies of the proposed amended rules may be obtained from: Abbie Messer, Operations Management Consultant II, 1317 Winewood Boulevard, Building 6, Room 373, Tallahassee, FL 32399, (850)488-4900.

**Section II  
Proposed Rules**

**DEPARTMENT OF REVENUE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Amount and Payment of Compensation	12-18.003
Submission of Information and Claims for Compensation	12-18.004

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12-18.003, F.A.C. (Amount and Payment of Compensation), is to provide that compensation for tax information will be paid at a flat rate of 10 percent, 5 percent, or 1 percent of the tax, penalty, and interest collected based on the currently established criteria.

The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to update information on how to obtain copies of forms from the Department.

**SUMMARY:** The proposed amendments to Rule 12-18.003, F.A.C. (Amount and Payment of Compensation): (1) provide in subsection (2) of the rule that compensation for tax information will be paid at a flat rate of 10 percent, 5 percent, or 1 percent of the tax, penalty, and interest collected, based on the criteria currently established; and (2) remove the provisions of subsection (3) that established the criteria for when the Executive Director will pay an amount of compensation greater than the amounts established in subsection (2) of the rule.

The proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), update information on how to obtain a copy of Form DR-55, Application for Compensation for Tax Information, from the Department.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 213.06(1), 213.30(1) FS.

**LAW IMPLEMENTED:** 213.30 FS.

**A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., February 6, 2006

**PLACE:** Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

12-18.003 Amount and Payment of Compensation.

(1) No change.

(2) The amount of compensation due for providing information resulting in the collection of taxes, penalties, and interest, except for the collection of unpaid taxes derived from the operation of vending machines, will take into account the value of the information in relation to the facts developed in the investigation or inspection of records.

(a) The amount of compensation will be 10 percent of the ~~first \$75,000 in taxes, penalties, and interest collected, 5 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1 percent of any additional taxes, penalties, and interest collected~~ when:

1. The information is provided in the form of detailed and specific documentary or testimonial evidence;

2. The information directly caused an investigation or inspection of records;

3. The information directly resulted in the recovery of taxes, penalties, or interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section ~~s.~~ 213.05, F.S.; and

4. The detailed and specific documentary or testimonial evidence provided by the applicant significantly reduced the time and resources expended in establishing the facts necessary to determine that an infraction of those revenue laws existed.

(b) The amount of compensation will be 5 percent of the ~~first \$75,000 in taxes, penalties, and interest collected, 2 1/2 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected~~ when:

1. The information provided directly caused an investigation or inspection of records; and

2. The information, although not of sufficient detail or specificity to constitute evidence, was a significant factor in establishing that an infraction occurred and in the recovery of

taxes, penalties, and interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section ~~s.~~ 213.05, F.S.

(c) The amount of compensation will be 1 percent of the ~~first \$75,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected~~ when:

1. The information caused an investigation or inspection of records; and

2. The information provided was of no value in determining the specific liability for taxes, penalties, or interest due.

~~(3) The Executive Director, or the Executive Director's designee, will pay an applicant an amount greater than the amounts allowed in subsection (2) of this rule when all of the following criteria are met:~~

~~(a) The payment for compensation is insufficient to compensate the applicant for monetary damages;~~

~~(b) The applicant reasonably fears for his or her safety in light of the totality of the circumstances; and~~

~~(c) There is no other way for the Department to secure the proffered information.~~

(4) through (7) renumbered (3) through (6) No change.

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 9-14-93, 10-19-99, \_\_\_\_\_.

12-18.004 Submission of Information and Claims for Compensation.

(1) through (2) No change.

(3)(a) The Department designates Form DR-55, Application for Compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 12/02), is hereby incorporated, by reference, in this rule.

(b) Copies of this form may be obtained, without cost, through one or more of the following methods: 1) downloading the form from the Department's Internet site at <http://www.myflorida.com/dor/taxes/rewards.html>; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses

(www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 10-11-99, 10-1-03.

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)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12-18, F.A.C. (Compensation for Tax Information), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4112-4113). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Public Use Forms	12A-1.097
Service Warranties	12A-1.105
Enterprise Zone and Florida Neighborhood Revitalization Programs	12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

The purpose of the proposed amendments to Rule 12A-1.105, F.A.C. (Service Warranties), is to: (1) clarify when a registered dealer who repairs or maintains tangible personal property indemnified under a service warranty may issue his or her Annual Resale Certificate to purchase repair parts, materials, and labor tax-exempt; (2) remove an unnecessary example and provisions regarding the imposition of discretionary sales surtax on service warranties; and (3) provide technical changes.

The purpose of the proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), is to implement the provisions of Sections 22 and 30, Chapter 2005-287, L.O.F., regarding the enterprise zone jobs credit.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax; and (2) update information on how to obtain forms from the Department.

The proposed amendments to Rule 12A-1.105, F.A.C. (Service Warranties): (1) remove an unnecessary example regarding the taxability of service warranties; (2) clarify that any registered dealer who performs repairs or maintenance of tangible personal property indemnified under a service warranty may issue the dealer's Annual Resale Certificate to make tax-exempt purchases, for the purpose of resale, of repair parts, materials, and labor that are incorporated into the repair or maintenance property indemnified by a service warranty; (3) remove provisions regarding the imposition of discretionary sales surtax on the sale of service warranties that are provided in Rule 12A-15.003(7), F.A.C.; and (4) provide technical changes.

The proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), provide that any business qualified to receive the enterprise zone jobs credit on or before December 31, 2005, that pays wages after that date may continue to claim that credit, as provided in Sections 22 and 30, Chapter 2005-287, L.O.F.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC 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., (g)6., (h)6., (n)4., (o)4., (7), (15)(e), 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, 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, 212.0506, 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(5), 212.15(2), 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), 634.011, 634.131, 634.401, 634.415 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

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 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (\*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, ~~5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) No change.

Form Number	Title	Effective Date
(2)(a) DR-1	Application to Collect and/or Report Tax in Florida (R. <u>01/06 01/04</u> )	_____ 09/04
(b) No change.		
(3) through (4) No change.		
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/06 01/05</u> )	_____ 06/05
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/06 01/05</u> )	_____ 06/05
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/06 01/05</u> )	_____ 06/05

(b) DR-15CS	Sales and Use Tax Return (R. <u>01/06 01/05</u> )	_____ 06/05
(c) DR-15CSN	DR-15 Sales and Use Tax <u>Return Returns</u> – Instructions for <u>2006 2005</u> (R. <u>01/06 01/05</u> )	_____ 06/05
(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/06 01/05</u> )	_____ 06/05
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions for <u>2006 2005</u> (R. <u>01/06 01/05</u> )	_____ 06/05
(f) DR-15EZCN	Instructions for <u>2006 2005</u> DR-15EZ Sales and Use Tax Returns (R. <u>01/06 01/05</u> )	_____ 06/05
(g) through (h) No change.		
(i) DR-15N	Instructions for <u>2006 2005</u> DR-15 Sales and Use Tax Returns (R. <u>01/06 01/05</u> )	_____ 06/05
(j) DR-15ZC	Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, <u>2006 2003</u> (R. <u>01/06 01/03</u> )	_____ 05/03
(k) DR-15ZCN	Instructions for Completing the Sales and Use Tax Return, form DR-15, when taking the Enterprise Zone Jobs Tax Credit under New Law (R. <u>01/06 01/03</u> )	_____ 05/03
(l) No change.		
(m) EZ-M	Florida Enterprise Zone Program – Building Materials Sales Tax Refund Application for Eligibility (R. <u>07/05 07/04</u> )	_____ 08/02

(7) through (23) No change.

Specific 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, 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(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, \_\_\_\_\_.

12A-1.105 Service Warranties.

(1)(a) through (c) No change.

(d) ~~The partial exemption for the sale of new or used motor vehicles to a resident of another state authorized pursuant to Section 212.08(10), F.S., does not apply to the sale of service warranty contracts.~~

~~2. Example: A resident of another state purchases a motor vehicle from a Florida motor vehicle dealer for \$10,000 and a service warranty for \$500. The purchaser executes a notarized statement of his intent to license the vehicle in his state of residence within 10 days from the date of purchase. The tax rate on motor vehicles in the purchaser's state of residence is 3%. The Florida motor vehicle dealer should collect \$300 tax on the sale of the motor vehicle (\$10,000 × .03 = \$300) and \$30 tax on the sale of the service warranty (\$500 × .06 = \$30) for a total of \$330.~~

(2) through (4)(b) No change.

(c) Any dealer registered with the Department who performs repairs or maintenance of tangible personal property indemnified under a service warranty may purchase repair parts, materials, and labor incorporated into the repair or maintenance of indemnified property tax-exempt for the purposes of resale. The repair dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C.

(5) The payment of all, or any portion, of a claim arising under a taxable service warranty which is not paid directly to the person performing repairs or maintenance or directly to a lessor of the product listed in the service warranty by the issuer of the service warranty is subject to sales tax. ~~The Such taxable transactions include, but are not limited to, the following amounts are subject to tax:~~

- (a) Any deductible paid by the service warranty holder;
- (b) Any amount paid by the service warranty holder directly to the person performing repairs or maintenance of the product for which the warranty holder may be subsequently reimbursed by the issuer of the service warranty; and
- (c) Payment by the warranty holder for repairs or maintenance that which are not covered by the service warranty.

~~(6) The total consideration received or to be received for any service warranty is subject to any Discretionary Sales Surtax authorized by Section 212.055, F.S., and administered under Section 212.054, F.S., in any county which levies a surtax.~~

Cross Reference: Subsection (7) of Rule 12A-15.003, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, ~~212.054, 212.055~~, 212.06, 212.08(7)(v), 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History—New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00, 6-19-01, \_\_\_\_\_.

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs.

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit. For employees hired on or after January 1, 2006 ~~October 1, 2004~~, an application that includes the information required by s. 212.096(3)(a)-(f), F.S., effective January 1, 2006 ~~July 1, 2004~~, must be filed with the Enterprise Zone Development Agency for the enterprise zone in which ~~where~~ the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes Form DR-15ZC, Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2006 ~~2002~~ (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax for employees hired on or after January 1, 2006 ~~October 1, 2004~~, must use Form form DR-15ZC to apply for, calculate, and claim the credit with the Department of Revenue. Form DR-15ZC must be

certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or postmarked, within six months after the new employee is hired. Employers Beginning May 1, 2002, ~~employers~~ have seven (~~7~~) months from the date a qualified leased employee is hired to file the certified DR-15ZC with the Department.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) No change.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (Form form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) and Form form EZ-M with the Department of Revenue. Form DR-26S must be attached to Form form EZ-M and its attachments, and the package must be delivered directly to the Department. For rehabilitation projects completed prior to July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or within 90 days after the rehabilitated property is first subject to assessment. For rehabilitation projects completed on or after July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or by September 1 of the year the rehabilitated property is first subject to assessment. The completed Form form DR-26S, the certified Form form EZ-M, and the required attachment; should be mailed to:

Florida Department of Revenue  
 Refund Subprocess  
 P. O. Box 6490  
 Tallahassee, Florida 32314-6490.  
 (3) through (9) No change.

Specific Authority 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.11(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g), (h), (n), (o), (q), (15), 212.096, 212.11(5), 212.15(2), 212.17(6), 212.18(2) FS. History—New 1-3-96, Amended 6-19-01, 8-1-02, 5-4-03, \_\_\_\_\_.

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)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULES: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P.O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4113-4116). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<p>RULE TITLES:</p> <p>Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax</p> <p>Coin-Operated Amusement and Vending Machines, and Other Devices</p>	<p>RULE NOS.:</p> <p>12A-15.003</p> <p>12A-15.011</p>
---	---

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.003, F.A.C. (Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax), is to provide when dealers who receive consideration for the issuance of a service warranty are required to collect the discretionary sales surtax.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), is to correct divisor rates for sales of food, beverages, and other items of tangible personal property made through vending machines in counties imposing a 1/4 percent or 3/4 percent discretionary sales surtax.

SUMMARY: The proposed amendments to Rule 12A-15.003, F.A.C. (Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax), provide that any dealer who receives consideration for the issuance of a service warranty is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

The proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), correct the divisor rates for counties that impose a discretionary sales surtax at the rates of 1/4 percent or 3/4 percent for purposes of computing the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.05(1)(h), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(24), 212.05(1), 212.0506, 212.0515, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(2), (8), 212.12(11), 212.18(3), 212.183 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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)922-9407

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-15.003 Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax.

(1) through (6) No change.

(7) SERVICE WARRANTIES.

(a) Any ~~dealer person who is located within a surtax county and~~ who receives consideration for the issuance of a service warranty from the agreement holder is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

(b)1. Example: The person receiving consideration for a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a refrigerator sold in County A and delivered in County B (a county imposing a 1.5% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7.5% (6% state sales tax and 1.5% surtax).

~~2.~~4. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a

television located within County B (a county not imposing the surtax). The person receiving consideration for the service warranty is required to collect sales tax on the sales price of the service warranty at the rate of 6%. The person receiving the consideration is not required to collect surtax.

~~3.2.~~ Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county not imposing a ~~1/2%~~ surtax). The service warranty covers a motor vehicle, and the resident address of the owner identified on the title document is located in County B (a county imposing a 1% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7% (6% state sales tax and 1% surtax).

(8) through (10) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(8), 212.18(3), 212.183 FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96, 6-19-01, 10-2-01, 4-17-03,\_\_\_\_\_.

12A-15.011 Coin-Operated Amusement and Vending Machines, and Other Devices.

(1) No change.

(2)(a) Vending machine sales; effective tax rates. The amount of tax to be paid on food, beverages, and other items of tangible personal property that are sold in vending machines is subject to the surtax at the rate imposed by the county where the machine is located. To calculate the tax due in an applicable reporting period for vending machines located in counties imposing a surtax:

1. Divide the total gross receipts from sales made through the vending machines by the divisors provided in paragraph (b) to compute gross taxable sales;

2. Subtract gross taxable sales from the total gross receipts to compute the amount of tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor for Food and Beverages</u>	<u>Divisor for Other Items of Tangible Personal Property</u>
No Surtax	1.0645	1.0659
1/4%	<del>1.0665</del> <del>1.0425</del>	1.0683
1/2%	1.0686	1.0707
3/4%	1.0706	<del>1.0728</del> <del>1.0727</del>
1%	1.0726	1.0749
1 1/4%	1.07465	1.0770
1 1/2%	1.0767	1.0791

(c) No change.

(3) No change.

Specific Authority 212.05(1)(h), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(24), 212.05(1)(h), 212.0515, 212.054, 212.055, 212.07(2), 212.12(11), 212.18(3) FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 9-14-93, 11-16-93, 12-13-94, 3-20-96, 6-19-01, 11-1-05,\_\_\_\_\_.

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)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-15, F.A.C. (Discretionary Sales Surtax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4116-4117). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Public Use Forms

RULE NO.: 12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006



PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. <del>01/06</del> <u>01/05</u> )	<u>06/05</u>
(3) DR-15SWN	Instructions for <del>2006</del> <u>2005</u> DR-15SW Solid Waste and Surcharge Returns (R. <del>01/06</del> <u>01/05</u> )	<u>06/05</u>
(4)	No change.	

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-16, F.A.C. (Rental Car Surcharge), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4117-4118). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Public Use Forms  
 RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers.

SUMMARY: The proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~faxing the Distribution Center at (850)922-2208; or 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(1)	No change.	
(2)	DR-1SR Renewal Application for Secondhand Dealer or Secondary Metals Recycler	
	(R. <u>06/05</u> <del>07/04</del> )	<u>06/05</u>

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-17, F.A.C. (Registration as Secondhand Dealer or Secondary Metals Recycler), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4118-4119). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Sales for the Purpose of Resale	12A-19.060
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), is to: (1) implement Sections 1-11, Chapter 2005-187, L.O.F., regarding the elimination of the communications services tax on substitute communications systems; and (2) amend the definition of taxable "communications services" to clarify that the definition includes services provided using voice-over-Internet-protocol, as provided in Section 14, Chapter 2005-187, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), is to implement Sections 1-11, Chapter 2005-187, L.O.F., regarding the elimination of the communications services tax on substitute communications systems.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return.

SUMMARY: The proposed amendments to Rule 12A-19.010, F.A.C. (Registration): (1) eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.; and (2) amend the definition of taxable "communications services" to clarify that the definition includes services provided using voice-over-Internet-protocol, as provided in Section 14, Chapter 2005-187, L.O.F.

The proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; (2) adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return; and (3) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (h) FS.

LAW IMPLEMENTED: 202.11(2), (3), (6), (8), (10), (11), (12), (13), 202.12(1), 202.13(2), 202.151, 202.16, 202.17(1), (3)(a), (4), (6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.010 Registration.

(1) Scope of rule. This rule provides guidelines regarding the procedures and requirements for the registration of persons providing communications services, ~~users of substitute communications systems~~, and persons requesting a communications services tax direct pay permit.

(2) No change.

(3)(a) Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using ~~Form form~~ DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). The following persons are not required to file ~~Form form~~ DR-700020 with respect to the activities listed:

1. No change.

~~2. Substitute communications system operators;~~

3. through 6. renumbered 2. through 5. No change.

(b) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c). The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added.

(c) through (d) No change.

~~(4) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014), as provided in subsection (2).~~

~~(a) A substitute communications system means any telephone system, or other system capable of providing communications services, that a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.~~

~~(b) A substitute communications system does not include the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state.~~

~~(c) An example of a substitute communications system would occur when a person uses satellite equipment to communicate with other locations without incurring any charges from a communications services provider.~~

~~(4)(5) No change.~~

Specific Authority 202.26(3)(e), (h) FS. Law Implemented 202.11(2), (6), (8), (12), (3), (7), (9), (13), (14), (16); 202.12(1)(b), 202.15, 202.17(1), (3)(a), (4), 202.22(6)(a), 202.27(6) FS. History-New 1-31-02, Amended 4-17-03, \_\_\_\_\_.

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a) No change.

~~(b) Tax due under Section 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on March 1 for the preceding calendar year. The payment accompanied with a return must either reach the Department or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.~~

~~(b)(c) No change.~~

(2)(a) No change.

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using Form form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed Form form DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file Form form DR-700020:

1. No change.

~~2. Substitute communications system operators;~~

3. through 6. renumbered 2. through 5. No change.

(c) No change.

(3)(a) No change.

~~(b) Form DR-700016, Florida Communications Services Tax Return, must also be used to report and remit tax due on the use of substitute communications systems. Form DR-700016, accompanied by the applicable payment, is due on the first day of March following the use of a substitute communications system during the preceding calendar year. Such return and applicable payment shall be late on the 21st day of March following the end of the calendar year for which the return and applicable payment are due.~~

~~(b)(c) No change.~~

(4) through (5) No change.

~~(6) Purchasers Users of a substitute communications system, and purchasers paying communications services use tax directly to the Department, who file a timely tax return are not allowed to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed by and administered under Chapter 202, F.S.~~

(7) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33(2), 202.35(1) FS. History-New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, 9-28-04, 6-28-05, \_\_\_\_\_.

12A-19.060 Sales for the Purpose of Resale.

(1) through (3) No change.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

~~(a) Each newly registered dealer, except persons registered as users of substitute communications systems, will receive a Communications Services Tax Certificate of Registration (Form form DR-700014) and a Communications Services Tax Annual Resale Certificate (Form form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.~~

~~(b) through (d) No change.~~

(5) through (8) No change.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (12), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History-New 1-31-02, Amended \_\_\_\_\_.

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. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at

www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) ~~faxing the Distribution Center at (850)922-2208; or, 3)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the

~~parentheses (www.myflorida.com/dor)~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/06	January 2006 –	January 1, 2006 –
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date	NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-19, F.A.C. (Communications Service Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4119-4121). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.
(3)	No change.		
(4)(a) DR-700016	Florida Communications Services Tax Return (R. 01/06)	_____	
(b) DR-700016	Florida Communications Services Tax Return (R. 11/05)	_____	
(c) DR-700016	Florida Communications Services Tax Return (R. 06/05)	_____	
(a) through (p)	renumbered (d) through (s)	No change.	
(5) through (9)	No change.		
Specific Authority 202.15, 202.151, 202.16(2), 202.26(3)(a), (c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (42); 202.12(1), 202.13(2), 202.15, 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 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, _____.			

**DEPARTMENT OF REVENUE**

**Miscellaneous**

RULE TITLES:	RULE NOS.:
Definitions; Specific Exemptions	12B-5.020
Importers	12B-5.030
Carriers	12B-5.040
Terminal Suppliers	12B-5.050
Wholesalers	12B-5.060
Terminal Operators	12B-5.070
Exporters	12B-5.080
Local Government Users	12B-5.090
Mass Transit Systems	12B-5.100
Blenders	12B-5.110
Resellers and Retail Dealers	12B-5.120
Refunds	12B-5.130
Dyeing and Marking; Mixing	12B-5.140
Public Use Forms	12B-5.150
Retailers of Alternative Fuel	12B-5.200
Aviation Fuel Licensees	12B-5.300
Producers and Importers of Pollutants	12B-5.400

**PURPOSE AND EFFECT: PART I. TAX ON MOTOR AND DIESEL FUEL**

The purpose of the proposed amendments to Part I, Tax on Motor and Diesel Fuel, of Rule Chapter 12B-5, F.A.C., is to: (1) provide definitions for the terms “enterer” and “gasoline”; (2) provide when a credit for taxes paid on fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more may be obtained; (3) clarify guidelines on how to obtain, or how to renew, annual fuel licenses and when to obtain a license as a retail dealer; (4) provide when tax returns and information returns are required to be filed with the Department; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (6) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (7) provide guidelines to fuel license holders on how to obtain any required Fuel Tax Refund Permit; (8) provide guidelines on how to take an ultimate vendor credit or how to receive a refund of Florida fuel taxes paid on fuel exempt from specified fuel taxes and when the Department will grant such authorized refunds; (9) remove provisions regarding the partial exemption from sales tax and discretionary sales surtax that are provided in Sections 212.08(4)(a)2. and 212.054(2)(b)4., F.S., and Rule 12A-1.0641, F.A.C.; (10) adopt, by reference, forms used by the Department in the administration of Florida fuel taxes; and (11) provide technical changes.

**PART II. TAX ON ALTERNATIVE FUEL**

The purpose of the proposed amendments to Part II, Tax on Alternative Fuel, of Rule Chapter 12B-5, F.A.C., is to: (1) clarify guidelines on how to obtain a license as a retailer of alternative fuel; (2) provide that sales of alternative fuel are

subject to sales tax; (3) provide when returns and payments required to be filed by retailers of alternative fuel are due to the Department; (4) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (6) provide technical changes.

**PART III. TAX ON AVIATION FUEL AND KEROSENE**

The purpose of the proposed amendments to Part III, Tax on Aviation Fuel and Kerosene, of Rule Chapter 12B-5, F.A.C., is to: (1) provide that the sale of aviation fuel to the United States government, its departments, or its agencies is exempt; (2) provide guidelines on how to report tax due on undyed kerosene and how to obtain an ultimate vendor credit for tax paid on kerosene used for tax-exempt purposes; (3) clarify when returns reporting aviation fuel taxes are required to be filed; (4) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (6) provide guidelines to air carriers on how to apply for a quarterly refund of aviation fuel tax paid for wages paid to certain employees and when an application for refund must be submitted to the Department; (7) remove provisions regarding the proration of aviation fuel by air carriers rendered obsolete on July 1, 2000, by the repeal of proration provisions from Section 212.0598, F.S.; (8) provide guidelines to fixed base operators on how to obtain a refund of aviation fuel taxes paid on aviation fuel sold to the United States government, its departments, or its agencies and when an application for refund must be filed with the Department; (9) clarify guidelines on how to obtain, or to renew, an annual license to operate as a commercial air carrier in Florida; and (10) provide technical changes.

**PART IV. TAX ON POLLUTANTS**

The purpose of the proposed amendments to Part IV, Tax on Pollutants, of Rule Chapter 12-5, F.A.C., is to: (1) clarify guidelines on how to obtain, or to renew, an annual license as an importer or producer of taxable pollutants; (2) clarify that the United States government, its departments, or its agencies are exempt from the tax due on pollutants; (3) provide when returns are required to be filed and taxes on pollutants are due to the Department; (4) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (6) remove provisions for taking a credit of pollutant tax that are not consistent with the provisions of Section 206.9942(6), F.S.; (7) provide that an application for pollutant tax refund must be filed with the Department for each calendar quarter;

(8) provide guidelines on how to file an application for a refund of pollutant tax with the Department; and (9) provide technical changes.

**SUMMARY: PART I. TAX ON MOTOR AND DIESEL FUEL**

The proposed amendments to Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions): (1) provide definitions for the terms “enterer” and “gasoline”; and (2) provide that terminal suppliers or wholesales may obtain a credit for taxes paid on fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more.

The proposed amendments to Rule 12B-5.030, F.A.C. (Importers): (1) clarify guidelines on how to obtain, or how to renew, an annual license as an importer of fuel; (2) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (3) provide a technical reference to Rule 12B-5.060, F.A.C., for obtaining an ultimate vendor credit.

The proposed amendments to Rule 12B-5.040, F.A.C. (Carriers): (1) clarify guidelines on how to obtain, or to renew, an annual license as a carrier of fuel; (2) provide when carriers are required to file information returns with the Department; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; and (4) provide that electronic filing of information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C.

The proposed amendments to Rule 12B-5.050, F.A.C. (Terminal Suppliers): (1) clarify guidelines on how to obtain, or to renew, an annual license as a terminal supplier of fuel; (2) provide when returns and payments for taxes imposed on gasoline, gasohol, diesel, or aviation fuel are due to the Department; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that terminal suppliers who sell tax-exempt fuel to the United States government, its departments, or its agencies must accrue such taxes and obtain an ultimate vendor credit from the Department; (6) provide that terminal suppliers must accrue tax on sales of diesel fuel that is exempt from the specified taxes when used for agricultural purposes; (7) provide that terminal suppliers must complete Schedule 12, Ultimate Vendor Credits, and file it with their Terminal Supplier Fuel Tax Return to obtain an ultimate vendor credit; and (8) provide technical changes.

The proposed amendments to Rule 12B-5.060, F.A.C. (Wholesalers): (1) clarify guidelines on how to obtain, or to renew, an annual license as a wholesaler of fuel; (2) provide that fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more for

exclusive use in equipment, devices, or motors operated by the United States is exempt; (3) provide when returns and payments for taxes imposed on gasoline, gasohol, diesel, or aviation fuel are due to the Department; (4) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (6) provide that wholesalers may obtain an ultimate vendor credit for taxes paid on sales of tax-exempt undyed diesel fuel to farmers for agricultural purposes and on sales of tax-exempt fuel to the United States government, its departments, or its agencies; (7) provide that wholesalers must complete Schedule 12, Ultimate Vendor Credits, and file it with their Wholesaler/Importer Fuel Tax Return to obtain an ultimate vendor credit; and (8) provide technical changes.

The proposed amendments to Rule 12B-5.070, F.A.C. (Terminal Operators): (1) provide when terminal operators must obtain a license as a terminal operator of fuel; (2) provide guidelines on how to obtain, or to renew, an annual license as a terminal operator; (3) provide that all terminal operators are required to file an information return with the Department and when such information return is due to the Department; (4) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; and (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns.

The proposed amendments to Rule 12B-5.080, F.A.C. (Exporters): (1) clarify guidelines for obtaining, or renewing, an annual license as an exporter of motor fuel or diesel fuel; (2) provide when exporters are required to report their export sales to the Department and when such returns are due; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when returns and other information reports are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such returns and information reports; (5) provide that exporters who export fuel to other states must file an Application for Refund with the Department to receive a refund of Florida taxes paid on exported fuel; (6) provide when an Application for Refund must be filed with the Department; and (7) provide technical changes.

The proposed amendments to Rule 12B-5.090, F.A.C. (Local Government Users): (1) clarify guidelines for counties, municipalities, and school districts on how to obtain a license as a local government user of diesel fuel; (2) provide when returns and payments required to be filed by local government users are due to the Department; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically,

the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that local government users may take a credit, or obtain a refund, of specified taxes paid on motor fuel and of the specified fuel sales tax; (6) provide that local government users must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified fuel sales tax; (7) provide guidelines on how to apply for a Fuel Tax Refund Permit; (8) provide guidelines to local government users on how to apply for a quarterly refund; (9) provide how an application for a quarterly refund must be submitted to the Department; and (10) provide technical changes.

The proposed amendments to Rule 12B-5.100, F.A.C. (Mass Transit Systems): (1) clarify guidelines for mass transit systems on how to obtain a license to seek a refund of tax paid or to seek a partial exemption; (2) provide when returns and payments required to be filed by mass transit systems are due to the Department; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that mass transit systems may obtain a refund of specified taxes paid on dyed diesel fuel; (6) provide that mass transit systems must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified diesel fuel taxes; (7) provide guidelines on how to apply for a Fuel Tax Refund Permit; (8) provide guidelines on how to apply for a quarterly refund; (9) provide when an application for a quarterly refund must be submitted to the Department; and (10) provide technical changes.

The proposed amendments to Rule 12B-5.110, F.A.C. (Blenders): (1) clarify guidelines on how to obtain a license as a blender; (2) provide when returns and payments required to be filed by blenders are due to the Department; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (5) provide technical changes.

The proposed amendments to Rule 12B-5.120, F.A.C. (Resellers and Retail Dealers): (1) clarify guidelines on when retail dealers and resellers are required to register as a sales and use tax dealer; and (2) provide guidelines on how to register each place of business for sales and use tax purposes.

The proposed amendments to Rule 12B-5.130, F.A.C. (Refunds): (1) provide that any person who uses motor fuel for agricultural, aquacultural, or commercial fishing purposes may obtain a refund of specified fuel taxes; (2) provide that such persons must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified motor fuel taxes; (3) provide guidelines on how to apply for a Fuel Tax Refund Permit; (4) provide guidelines on how to apply for a quarterly

refund of taxes paid on motor fuel used for agricultural, aquacultural, or commercial fishing purposes; (5) provide when an application for a quarterly refund must be submitted to the Department; (6) provide guidelines on when the Department will grant a refund of tax paid on undyed diesel fuel consumed by vehicles that use fuel to turn a concrete mixer drum or for compacting solid waste, or for undyed diesel fuel consumed by a power take-off unit or engine exhaust for unloading bulk cargo by pumping; (7) define the term "full load pump-off" to mean 54,000 pounds or its equivalent in gallons; (8) provide guidelines on when a refund of fuel tax paid on undyed diesel fuel used in off-road stationary equipment or in self-propelled off-road equipment will be granted by the Department; (9) provide guidelines on when a refund of fuel tax paid on undyed diesel fuel used to operate a refrigeration unit or other equipment located on a commercial motor vehicle will be granted by the Department; (10) provide guidelines on when an application for such refund must be filed with the Department and the recordkeeping requirements for making such application to the Department; (11) provide guidelines for when dealers who sell dyed diesel fuel for use in vessels are required to collect sales tax, plus any applicable discretionary sales surtax, or are required to obtain an exemption certificate from a qualified purchaser; (12) provide guidelines to purchasers of undyed diesel fuel used in noncommercial vessels on how to obtain an annual refund of taxes paid on fuel used for such purposes from the Department; (13) provide guidelines to purchasers of undyed diesel fuel used in qualified motor coaches on how to obtain an annual refund of taxes paid on fuel used for such purposes from the Department; (14) remove provisions regarding the partial exemptions from sales tax and discretionary sales surtax that are provided in Sections 212.08(4)(a)2. and 212.054(2)(b)4., F.S., and Rule 12A-1.0641, F.A.C.; and (15) provide technical changes.

The proposed amendments to Rule 12B-5.140, F.A.C. (Dyeing and Marking; Mixing): (1) provide that a licensed terminal supplier, importer, or wholesaler of fuel must obtain a refund authorization number from the Department to receive a refund of taxes paid on fuel that has been mixed with dyed diesel fuel in storage; (2) extend to 30 days the period during which the Department must be notified of a mixing incident; (3) provide guidelines on how to obtain a refund of such taxes; (4) provide when an application for refund must be filed with the Department; (5) provide that dye in any fuel storage facility that is not properly marked is in violation of s. 206.8741, F.S., and subject to the penalty imposed under Section 206.872(11), F.S.; and (6) provide technical changes.

The proposed amendments to Rule 12B-5.150, F.A.C.: (1) change the title to "Public Use Forms"; (2) to adopt, by reference, forms used by the Department in the administration of Florida fuel taxes; and (3) to remove the adoption, by



reference, of forms that are no longer used by the Department or that do not meet the definition of a “rule,” as defined in Section 120.52(15), F.S.

#### PART II. TAX ON ALTERNATIVE FUEL

The proposed amendments to Rule 12B-5.200, F.A.C.: (1) change the title of the rule to “Retailers of Alternative Fuel”; (2) clarify guidelines on how to obtain a license as a retailer of alternative fuel; (3) provide that sales of alternative fuel are subject to sales tax; (4) provide when returns and payments required to be filed by retailers of alternative fuel are due to the Department; (5) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (6) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (7) provide technical changes.

#### PART III. TAX ON AVIATION FUEL AND KEROSENE

The proposed amendments to Rule 12B-5.300, F.A.C. (Aviation Fuel Licensees): (1) provide that the sale of aviation fuel to the United States government, its departments, or its agencies is exempt; (2) provide that terminal suppliers must report tax due on undyed kerosene delivered to a residence for home heating or cooking and may obtain an ultimate vendor credit from the Department for tax paid on such kerosene; (3) provide that terminal suppliers and wholesalers who deliver undyed kerosene to retail dealers for resale to consumers to be used for home heating and cooking may obtain an ultimate vendor credit from the Department for tax paid on such kerosene; (4) provide that terminal suppliers must complete Schedule 12, Ultimate Vendor Credits, and file it with their Terminal Supplier Fuel Tax Return to obtain an ultimate vendor credit; (5) provide that wholesalers must complete Schedule 12 and file it with their Wholesaler/Importer Fuel Tax Return to obtain an ultimate vendor credit; (6) provide that resellers who make sales of undyed kerosene without payment of the aviation fuel tax are subject to the specified penalties; (7) clarify when returns reporting aviation fuel taxes are required to be filed; (8) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (9) provide guidelines to air carriers on how to apply for a quarterly refund of aviation fuel tax paid for wages paid to certain employees and when an application for refund must be submitted to the Department; (10) remove provisions regarding the proration of aviation fuel by air carriers rendered obsolete on July 1, 2000, by the repeal of proration provisions from Section 212.0598, F.S.; (11) provide guidelines to fixed base operators on how to obtain a refund of aviation fuel taxes paid on aviation fuel sold to the United States government, its departments, or its agencies and when an application for refund must be filed with the Department; (12) clarify guidelines on how to obtain, or to renew, an annual license to operate as a

commercial air carrier in Florida; (13) provide when commercial air carriers are required to report and pay aviation fuel taxes; (14) provide when returns and payments are due to the Department; (15) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (16) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (17) provide technical changes.

#### PART IV. TAX ON POLLUTANTS

The proposed amendments to Rule 12B-5.400, F.A.C. (Producers and Importers of Pollutants): (1) clarify guidelines on how to obtain, or to renew, an annual license as an importer or producer of taxable pollutants; (2) clarify that the United States government, its departments, or its agencies are exempt from the tax due on pollutants; (3) remove obsolete effective tax rates for the Coastal Protection Tax, the Inland Protection Tax, and the Water Quality Assurance Tax; (4) provide when an importer or producer of pollutants is required to file a return and to pay the taxes due on pollutants; (5) provide when payments and returns are due to the Department; (6) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (7) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (8) remove provisions for taking a credit of pollutant tax that are not consistent with the provisions of Section 206.9942(6), F.S.; (9) provide that an application for pollutant tax refund must be filed with the Department for each calendar quarter; (10) provide guidelines on how to file an application for a refund of pollutant tax with the Department; and (11) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 206.8741(1), 206.8745(6), 206.877, 206.97, 206.9915, 213.06(1) FS.

LAW IMPLEMENTED: 206.01, 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.03, 206.04, 206.041, 206.05, 206.051, 206.052, 206.054, 206.055, 206.09, 206.095, 206.11(1)(d), 206.199, 206.20, 206.204, 206.205, 206.404, 206.41, 206.413, 206.414, 206.416, 206.43, 206.44, 206.48, 206.485, 206.62, 206.64, 206.645, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8741, 206.8745, 206.877, 206.89, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9825, 206.9835, 206.9865, 206.9875, 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943, 212.18(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynwood Taylor, Tax Law Specialist, and Ronald Gay, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4725.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I

TAX ON MOTOR AND DIESEL FUEL

12B-5.020 Definitions; Specific Exemptions.

(1) DEFINITIONS.

(a) through (b) No change.

(c) “Enterer” means the importer of record with respect to fuel. However, if the importer of record is acting as an agent (e.g., the importer of record is a customs broker engaged by the owner of the fuel), the person for whom the agent is acting is the enterer. If there is no importer of record for fuel entered into Florida, the enterer is the owner of the fuel at the time the fuel is brought into Florida.

(d) “Fuel” means all fuels as defined in Chapter 206, F.S., and this rule chapter, except as clearly indicated in this rule chapter.

(e) ~~(e)~~ No change.

(f) “Gasoline” means any mixture used as a fuel in spark-ignition, internal combustion engines, which has an octane number not less than 75 and a lead content not greater than 0.05 grams per gallon.

(d) through (g) renumbered (g) through (j) No change.

(2) EXEMPTIONS.

(a) Sales of Fuel to the United States Government.

1. Fuel sold to the United States Government, its departments, or its agencies, in quantities of 500 gallons or more in each delivery, for exclusive use in equipment, devices, or motors operated by the United States is exempt from tax. This exemption does not apply to sales of fuel delivered to service stations or other outlets for resale.

~~2. The exemption provided in paragraph (a) will not apply to sales of fuel to the United States where the fuel is delivered to service stations or other outlets for resale.~~

~~2.3. No change.~~

~~3.4. Terminal suppliers or wholesalers may obtain apply for a refund or take a credit for of taxes paid on fuel sold to the United States federal government, its departments, or its agencies in quantities of 500 gallons or more, as provided in subsection (6) of Rule 12B-5.050, F.A.C., and subsection (6) of Rule 12B-5.060, F.A.C.~~

(b) through (c) No change.

Specific Authority 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2, 213.06(1) FS. Law Implemented 206.41(4)(b), 206.62, 206.874, 206.97 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, \_\_\_\_\_.

12B-5.030 Importers.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. To obtain an annual a license as an importer, every a person must file Form with the Department form DR-156, (Florida Fuel Tax Application (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the application under oath, which meets all requirements specified in Section 206.02(2), F.S.

2. Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.

~~3.2. Each initial and renewal The application must be accompanied by will require payment of a \$30 license fee.~~

~~3. Each License will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.~~

(b) No change.

(3) RETURNS AND REGULATIONS.

(a) Licensed importers of gasoline, gasohol, diesel, or aviation fuel are required to will report all taxes imposed by Chapter 206, F.S., on a form DR-309632, Wholesaler/Importer Fuel Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.), as provided in subsection (5) of Rule 12B-5.060, F.A.C. See filing requirements for wholesalers in Rule 12B-5.060, F.A.C.

(b) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Payment of the tax is required to be made by electronic means: Importers are required to file data elements and schedules contained in the Wholesaler/Importer Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting taxes is required to be submitted by electronic means; Importers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when an importer can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(4) REFUNDS AND CREDITS. Refunds and credits Credits and refunds to importers are authorized only under the provisions for refunds and credits authorized to wholesalers. Importers may obtain an ultimate vendor credit for tax paid in the same manner as wholesalers, as provided in subsection (6) of Rule 12B-5.060, F.A.C. See 12B-5.130.

(5) No change.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01(3), 206.02, 206.026, 206.027, 206.028, 206.03, 206.05, 206.051, 206.054, 206.43, 206.48(2), 206.485, 206.9835 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, \_\_\_\_\_.

12B-5.040 Carriers.

(1) LICENSING.

(a)(1) Any person transporting fuel for sale or for others in vehicles capable of hauling quantities of 500 gallons or more in this State, must hold a valid have an unrevoked license as a carrier of motor fuel or diesel fuel issued by the Department to engage in such business.

(b) To obtain an annual license, every person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.

(c) Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.

(d) Each initial or renewal application must be accompanied by a \$30 license fee.

(2) INFORMATION RETURNS.

(a)(2) Carriers are required to will file Form on a report form DR-309637, Petroleum Carrier Information Return (incorporated by reference in Rule 12B-5.150, F.A.C.); Carriers must remit reports to the Department of Revenue on or before by the 20th twentieth day of each month for the previous months activity during the previous month. If the 20th day falls on a Saturday, Sunday, or a legal holiday, returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule section, a legal holiday means will mean a holiday that which

is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code; of 1986, as amended and in effect on January 1, 1996, which is incorporated by reference in this rule. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b)(3) Electronic filing of information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C. Media Filing.

(a) Carriers are required to file data elements and schedules contained in the Petroleum Carrier Information Return by magnetic tape, computer disk, or a telephone modem.

(b)1. Carriers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

2. Deferral requests will be granted by the Department when a carrier can demonstrate the inability to complete the necessary computer program change by the date the information is due.

(3)(4) No change.

Specific Authority 206.14(1), 206.59(1), 206.97, 206.9915, 213.06(1) FS. Law Implemented 206.021, 206.09, 206.199, 206.20, 206.204, 206.205, 206.485 FS. History—New 7-1-96, Amended 11-21-96, \_\_\_\_\_.

12B-5.050 Terminal Suppliers.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. Before any person may engage in business as a terminal supplier within this state, such person must first obtain, and be the holder of a valid an unrevoked terminal supplier license issued by the Department of Revenue.

2. To obtain an annual a license as a terminal supplier, every a person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application department an application under oath and in such form as prescribed by the department, which meets all requirements specified in Section 206.02(2), F.S.

3. Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.

4.3. Each initial or renewal The application must be accompanied by will require payment of a \$30 license fee.

4. Each license will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.

~~4.5. Terminal suppliers that who import or export tax-paid fuel are not required to obtain an importer or exporter license.~~

~~5.6. Any terminal operator that who owns fuel at a terminal is required to be licensed as a terminal supplier.~~

(b) Bonding.

1. Prior to becoming licensed, each new terminal supplier applicant must submit, to the ~~Department~~ department, a bond which equals 3 times the estimated average monthly fuel tax levied under Chapter 206, F.S., for each type of fuel that which will be sold, but such bond will not exceed a maximum of \$100,000 for each product type (motor fuel, diesel, and aviation fuel).

2. ~~A All terminal supplier that has suppliers who have~~ filed bonds of less than \$100,000 for each product type (motor fuel, diesel, and aviation fuel) will be notified by the ~~Department~~ department when ~~its their~~ liability increases to an amount that which requires an increase in ~~its bond their initial~~ bonds filed.

(3) EXEMPT SALES.

(a) Sales of Fuel to the United States Government. ~~The exemption provided in subparagraph 1. is not allowed on sales by terminal suppliers when fuel is delivered to retail dealers located on governmental installations.~~

~~4. Terminal suppliers that who sell fuel in quantities of 500 gallons or more per delivery to the United States Government, its departments, or its agencies are not required to collect tax on such sales. This exemption does not apply when fuel is delivered to retail dealers located on governmental installations.~~

(b) through (c) No change.

(4) TAXABLE SALES.

(a) through (f)1. No change.

2. Dyed Diesel Fuel. Terminal suppliers who sell dyed diesel fuel that which will be used for business purposes as defined in s. 12B-5.020(1)(b), F.A.C., are not required to collect sales tax on such sales.

(5) RETURNS AND REGULATIONS.

(a) All terminal suppliers that who sell gasoline, gasohol, diesel, or aviation fuel are required to will report and remit all taxes imposed by Chapter 206, F.S., on a Terminal Supplier Fuel Tax Return (Form DR-309631, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month to the Department of Revenue monthly. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the

District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b) Form DR-309631, Terminal Supplier Fuel Tax Return must be filed by terminal suppliers by the 20th day of the month following a month in which transactions occur.~~

~~(e) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.~~

~~(b)(d)~~ No change.

~~(e)1. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

2. For purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.

~~(c)(f) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

1. Payment of the tax is required to be made by electronic means; Terminal suppliers are required to file data elements and schedules contained in the Terminal Supplier Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting taxes is required to be submitted by electronic means; Terminal suppliers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a terminal supplier can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(6) REFUNDS AND CREDITS.

(a) Sales of Fuel to the United States Government.

1. Terminal suppliers that who sell fuel to the United States Government, its departments, or its agencies exempt from taxes imposed under Sections ss. 206.41 and 206.87, F.S., must accrue all such taxes and may obtain, but may take an ultimate vendor credit for the taxes accrued when their Terminal Supplier Tax Returns are filed.

2. To obtain an ultimate vendor credit, terminal Terminal suppliers claiming ultimate vendor credits that exceed their liability must complete Schedule apply for a refund of the excess credits by completing schedule 12, (DR-309642,

Ultimate Vendor Credits (incorporated by reference in Rule 12B-5.150, F.A.C.) of form DR309631 (Terminal Supplier Fuel Tax Return) with the amount of credit listed on the face of the return. Schedule 12 is required to be filed with the Terminal Supplier Fuel Tax Return, as indicated on the return.

(b) Motor and Diesel Fuel Used for Agricultural Purposes.

1. ~~Sales by terminal Terminal suppliers of who sell taxable diesel fuel to persons for agricultural uses as provided in pursuant to Rule 12B-5.020(2)(e)1, F.A.C., are will sell such fuel exempt from the local option fuel tax, the state comprehensive transportation system tax, and the fuel sales tax imposed by Section 206.41(1)(e), (f), and (g), F.S. Local Option Fuel Tax, State Comprehensive Transportation System Tax, and Fuel Sales Tax.~~

2. A terminal supplier must accrue tax on all sales of taxable diesel fuel. A terminal supplier may sell taxable diesel fuel exempt for agricultural purposes, but they must accrue all taxes imposed under Section s. 206.87, F.S. To obtain The terminal supplier may take an ultimate vendor credit for the tax accrued, terminal suppliers must complete Schedule 12, Ultimate Vendor Credits (Form DR-309642). Schedule 12 is required to be filed with when the Terminal Supplier Tax Return, as indicated on the form is filed.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01, 206.02, 206.05, 206.09, 206.41, 206.413, 206.414, 206.43, 206.48, 206.485, 206.62, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.97, 206.9815, 206.9941, 206.9942, 212.0501, 212.08(9) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98.

12B-5.060 Wholesalers.

(1) No change.

(2) LICENSING AND BONDING.

(a)1. ~~To obtain an annual a license as a wholesaler, a person must will file a with the Department form DR-156 (Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application under oath, which is incorporated in Rule 12B-5.150, F.A.C., by reference, meeting all requirements specified in s. 206.02, F.S. A wholesaler is not required to have a business location in this State.~~

2. Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.

3. Each initial and renewal application must be accompanied by a \$30 license fee.

(b) through (e) No change.

(3) EXEMPT SALES.

(a) Fuel sold to the United States government Government, its departments, or its agencies in quantities of 500 gallons or more in each delivery, for exclusive use in equipment, devices, or motors operated by the United States is exempt.

(b) through (d) No change.

(4) TAXABLE SALES.

(a) through (b) No change.

(c) Sale of Dyed Diesel Fuel for Business Purposes. Wholesalers who sell dyed diesel fuel ~~that which~~ will be used for business purposes ~~as defined in Section 12B-5.020(1)(b), F.A.C., of this rule~~ are not required to collect sales tax on such sales.

(5) RETURNS AND REGULATIONS.

(a) All wholesalers who sell gasoline, gasohol, diesel, or aviation fuel are required to will report and remit all taxes imposed by Chapter 206, F.S., on a Wholesales/Importer Fuel Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month to the Department of Revenue monthly. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b) Wholesalers must file form DR-309632, Wholesaler/Importer Fuel Tax Return, and supporting schedules by the 20th day of the month following a month in which transactions occur.~~

~~(c) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.~~

~~(b)(d) No change.~~

~~(e)1. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

2. For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.

~~(c)(f) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

~~1. Payment of the tax is required to be made by electronic means: Wholesalers are required to file data elements and schedules contained in the Wholesaler/Importer Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~2. Any return for reporting tax is required to be submitted by electronic means: Wholesalers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a wholesaler can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

~~4. Any information report is required to be submitted by electronic means.~~

~~(6) REFUNDS AND CREDITS.~~

~~(a) Wholesalers that sell undyed diesel fuel to farmers for agricultural purposes tax exempt, as provided in Rule 12B-5.020, F.A.C., may obtain an ultimate vendor credit for the taxes paid when their Wholesaler/Importer Fuel Tax Returns (Form DR-309632) are filed will be authorized an ultimate vendor credit for taxes paid on taxable diesel fuel sold for agricultural uses pursuant to 12B-5.020.~~

~~(b) Wholesalers that sell fuel will be authorized an ultimate vendor credit for taxes paid on taxable diesel fuel sold to the United States government, or its departments, or its agencies in bulk lots of not less than 500 gallons in each delivery exempt from the taxes imposed under Sections 206.41 and 206.87, F.S., may obtain an ultimate vendor credit for the taxes paid when their Wholesaler/Importer Fuel Tax Returns (Form DR-309632) are filed.~~

~~(c) To obtain an Wholesalers claiming ultimate vendor credit, wholesalers must complete Schedule credits that exceed their liability must apply for a refund of the excess credits by completing schedule-12, (DR 309642, Ultimate Vendor Credits (Form DR-309642, incorporated by reference in Rule 12B-5.150, F.A.C.) of form DR309632 (Wholesaler/Importer Fuel Tax Return), with the amount of credit listed on the face of the return. Schedule 12 is required to be filed with the Wholesaler/Importer Fuel Tax Return, as indicated on the return.~~

~~Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) FS. Law Implemented 206.01(6), 206.02, 206.05, 206.404, 206.43, 206.48, 206.485, 206.86, 206.89, 206.90, 206.91, 206.9825 FS. History--New 7-1-96, Amended 11-21-96, 10-27-98,\_\_\_\_\_.~~

~~12B-5.070 Terminal Operators.~~

~~(1) LICENSING. Licensed terminal operators will report all fuel transactions to the Department on form DR-309636, Terminal Operator Information Return.~~

~~(a) Before any person may engage in business as a terminal operator within this state, such person must hold a valid terminal operator license. Terminal operators who own fuel sold or transferred through a terminal must also be licensed as a terminal supplier. See Rule 12B-5.050, F.A.C.~~

~~(b) To obtain an annual license as a terminal operator, a person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.~~

~~(c) Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.~~

~~(d) Each initial or renewal application must be accompanied by a \$30 license fee for each terminal location operated.~~

~~(2) INFORMATION RETURNS. Terminal operators who own fuel sold or transferred through a terminal must be licensed as a terminal supplier.~~

~~(a) All terminal operators who operate terminals in this state are required file a Terminal Operator Information Return (Form DR-309636, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month. A separate return is required for each terminal location. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

~~(b)(3) Electronic filing of information returns must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C. Media Filing.~~

~~(a) Terminal operators are required to file data elements and schedules contained in the Terminal Operator Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~(b)1. Terminal operators who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~2. Deferral requests will be granted by the Department when a terminal operator can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

~~Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) F.S. Law Implemented 206.01(19), 206.022, 206.095, 206.485, 206.872 F.S. History—New 7-1-96, Amended 11-21-96,\_\_\_\_\_.~~

12B-5.080 Exporters.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

~~1. Before any person may engage in business as an exporter, such person must hold a valid first obtain, and be the holder of an unrevoked exporter license as an exporter of motor fuel or diesel fuel issued by the Department of Revenue.~~

~~2. Persons who buy fuel within Florida either in or outside Florida, and who sell the such fuel to Florida customers must be licensed as wholesalers. See Rule 12B-5.060, F.A.C.~~

~~(b)1. To obtain an annual a license as an exporter, a person must file an with the Department form DR-156 (Application for Florida Fuel License (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application which is incorporated by reference in rule section 12B-5.150, F.A.C., and which meets all requirements specified in Section 206.02(2), F.S.~~

~~2. Each license is required to be renewed annually by filing Form DR-156R, Renewal Application for Florida Fuel License (incorporated by reference in Rule 12B-5.150, F.A.C.), and the required attachments with the Department, as provided in the renewal application.~~

~~3.2. Each initial or renewal The application must be accompanied by will require payment of a \$30 license fee.~~

~~3. Each license will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.~~

(c) No change.

(3) RETURNS AND REGULATIONS.

~~(a) Licensed exporters of gasoline, gasohol, diesel, or aviation fuel are required to will report all gallons of fuel exported from Florida taxes imposed by Chapter 206, F.S., on an form DR-309638, Exporter Fuel Tax Return (Form DR-309638, incorporated by reference in Rule 12B-5.150, F.A.C.). Licensed exporters that who are also licensed as wholesalers are not required to report file form DR-309638; instead, they show their export sales on a exports on their Wholesaler/Importer Fuel Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.).~~

~~2. All exporters who sell gasoline, gasohol, diesel, or aviation fuel will report and remit all taxes imposed by Chapter 206, F.S., to the Department of Revenue monthly.~~

~~(b) Form DR-309638, Exporter Tax Return, and Form DR-309632, Wholesaler/Importer Fuel Tax Return, as applicable, must be filed on or before filed by exporters by the 20th day of the month following a month in which export transactions occur. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule section, a legal holiday means will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

~~(c) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.~~

~~(c)(d) Electronic filing of returns and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

~~1. Any return for reporting the export is required to be submitted by electronic means; or Exporters are required to file data elements and schedules contained in the Exporter Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~2. Any information report is required to be submitted by electronic means. Exporters who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~3. Deferral requests will be granted by the Department when an exporter can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

(4) No change.

(5) REFUNDS AND CREDITS.

~~(a) Exporters who export fuel to other states on which Florida tax has been paid may obtain apply for a refund of Florida taxes paid. To receive a refund of Florida tax paid, an exporter must file an by submitting form DR-26, Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department from the State of Florida Department of Revenue, and providing invoices of such purchases and sales, and copies of the tax return filed in the state of destination. Form DR-26 must be filed 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. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.

(b) Copies of invoices for purchases and sales of fuel exported outside Florida and copies of the tax returns filed in the state of destination are required to be submitted with the application for refund.

~~(c)(b)~~ No change.

(6) No change.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01(21), 206.02, 206.03, 206.04, 206.05, 206.051, 206.052, 206.41, 206.416, 206.43, 206.48, 206.485, 206.62, 206.87, 206.90, 206.91, 209.97, 206.9915 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98,

12B-5.090 Local Government Users.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. All counties, municipalities, ~~and~~ school districts, and nonpublic schools seeking refunds or partial exemptions from the state must be licensed as Local Government Users.

2. To obtain a license as a Local Government User of diesel fuel, a county, municipality, school district, or nonpublic school counties, municipalities, and school districts must file a with the Department an application under oath, form DR-156 (Florida Fuel Tax Application (Form DR-156, as a: Wholesaler of Alternative Fuel, Local Government User of Diesel Fuel, Mass Transit Systems), which is incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with, and in such form as prescribed by the Department, as provided in the application.

3. There is no application fee or license fee.

(b) No change.

(3) RETURNS AND REGULATIONS.

~~(a) Local Government Users are required to file a Local Government User of Diesel Fuel Tax Return (Form DR-309634, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department on or before the 20th day of each month following the month in which the use of fuel occurs will report, and remit tax to the Department of Revenue monthly. If the 20th day of the month falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

2. The return filed is form DR-309634, Local Government User of Fuel Tax Return, and is due by the 20th day of a month following the month in which the use of fuel occurs.

3. ~~If the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

4. ~~For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.~~

(b) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-

1. Payment of the tax is required to be made by electronic means; Local Government Users are required to file data elements and schedules contained in the Local Government User of Diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Local Government Users who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Local Government User can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(4) REFUNDS AND CREDITS.

(a) When filing a Local Government User of Diesel Fuel Tax Return (Form DR-309634, incorporated by reference in Rule 12B-5.150, F.A.C.), a county, municipality, or school district will be required to pay 3 cents of the 4 cent excise tax Excise Tax under Section s: 206.87(1)(a), F.S., the ninth-cent fuel tax Ninth-cent Fuel Tax under Section s: 206.87(1)(b), F.S., the local option fuel tax Local Option Fuel Tax under Section s: 206.87(1)(c), F.S., and the state comprehensive enhanced transportation system tax State Comprehensive Enhanced Transportation System Tax under Section s: 206.87(1)(d), F.S., on dyed diesel fuel used in vehicles owned or operated by the county, municipality, or school district. Local government users may take a credit, or obtain a refund, of taxes paid on motor fuel under Section 206.41(1)(b), F.S., and the fuel sales tax imposed under Section 206.41(1)(g)1., F.S., when filing the return.



(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 sales tax imposed under Section 206.41(1)(b) and (g), F.S., for gasoline and gasohol and 1 cent of the tax imposed under Section 206.87(1)(a) and all of the tax imposed under Section 206.87(1)(b), F.S., on diesel fuel. Counties, municipalities, and school districts who file the Local Government User Fuel Tax Return, and who elect to take a credit of taxes paid on motor fuel may deduct the 1 cent County Fuel Tax under s. 206.41(1)(b), and the Fuel Sales Tax under s. 206.41(1)(g)1, F.S., from their tax liability when the return is filed.

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 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. Counties seeking a refund of taxes paid on motor fuel, must file a quarterly tax refund return, form DR-189, Application for Fuel Tax Refund, Municipalities, Counties and School Districts, to obtain such refund.

3. To apply for the refund, a county, municipality, or school district that holds a valid refund permit is required to file an Application for Fuel Tax Refund, Municipalities, Counties and School Districts (Form DR-189, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department. Form DR-189 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-189 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department. Prior to qualifying for a refund of taxes paid on motor fuel, counties, municipalities, and school districts who use gasoline or gasohol in vehicles, are required to obtain a refund permit, by filing form DR-185, Application for Refund Permit with the Department of Revenue.

4. Any nonpublic school operating schools buses that holds a valid refund permit is required to file an Application for Fuel Tax Refund Non-Public Schools (Form DR-190, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department. Form DR-190 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-190 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.41(4), 206.86(11), 206.874(4) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, \_\_\_\_\_.

12B-5.100 Mass Transit Systems.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. Mass transit systems seeking refunds from the state or partial exemption must hold a valid ~~be licensed as~~ Mass Transit Systems License.

2. To obtain a Mass Transit Systems License System license, a person ~~persons~~ must file a ~~with the Department an~~ application under oath, form DR-156 (Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application as a: ~~Wholesaler of Alternative Fuel, Local Government User of Diesel Fuel, Mass Transit System~~, which is incorporated in Rule 12B-5.150, F.A.C., and in such forms prescribed by the Department.

3. There is no application fee or license fee.

(3) RETURNS AND REGULATIONS.

(a)1- Mass Transit Systems are required to file a Mass Transit System Provider Fuel Tax Return (Form DR-309633, incorporated by reference in Rule 12B-5.150, F.A.C.) and remit the tax due on or before the 20th day of the month following the month in which the use of fuel occurs will report, and remit tax to the Department of Revenue monthly. If the 20th day of the month falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

2. The return filed is form DR 309633, Mass Transit System Provider Fuel Tax Return, and is due by the 20th day of a month following the month in which taxable uses of fuel occur.

3. If the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

4. For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.

(b) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Payment of the tax is required to be made by electronic means; Mass Transit Systems are required to file data elements and schedules contained in the Local Government User of Diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Mass Transit Systems who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Mass Transit System can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(4) REFUNDS AND CREDITS.

(a)1. When filing a return, a Mass Transit System will be required to pay the excise tax ~~Excise Tax~~ under Section s. 206.87(1)(a), F.S., and the ninth-cent fuel tax ~~Ninth-cent Fuel Tax~~ under Section s. 206.87(1)(b), F.S., on dyed diesel fuel used in vehicles owned or operated by the system.

2.(b)1. Any mass transit system provider, which is not licensed as a Mass Transit System, that uses undyed 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)(e), (f), and (g), F.S., or Section 206.87(1)(c)(d) and (e), F.S. Mass Transit Systems filing returns, who elect to take a credit of taxes paid on motor fuel may deduct the Local Option Fuel Tax under s. 206.41(1)(e), F.S., the SCETS Tax under s. 206.41(1)(f), F.S., and the fuel sales tax under Section 206.41(1)(g), F.S., from their tax liability when the return is filed.

(b)2. Prior to qualifying for a refund of taxes paid, a Mass Transit System is required to file an Application for 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. Mass Transit Systems seeking a refund of taxes paid on motor fuel, must file the quarterly tax refund return, form DR-160, Application for City transit Fuel Tax Refund, to obtain such refund.

3. A Mass Transit System that holds a valid refund permit is required to file an Application for Fuel Tax Refund-Mass Transit System Users (Form DR-160, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department to obtain such refunds. Form DR-160 must be filed for each calendar quarter no later than the last day of the month

immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-160 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department. Prior to qualifying for a refund of taxes paid on motor fuel, Mass Transit Systems who use gasoline or gasohol in vehicles, are required to obtain a refund permit, by filing form DR-185, Application for Refund Permit with the Department of Revenue.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.041(4), 206.86(12), 206.874(5)(a) FS. History--New 7-1-96, Amended 11-21-96, 10-27-98, \_\_\_\_\_.

12B-5.110 Blenders.

(1) GENERAL INFORMATION.

(a) through (b) No change.

(c)1. To obtain a license as blender, every person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.

2. Each initial or renewal application must be accompanied by a \$30 license fee.

(d)(e) No change.

(2) RETURNS AND REGULATIONS.

(a) through (b) No change.

(c) Any person who is licensed as a blender is required to file a only will report and remit all taxes imposed by Chapter 206, F.S., to the Department of Revenue monthly. Form DR-309635, Blender/Wholesaler of Alternative Fuel Tax Return (Form DR-309635, incorporated by reference in Rule 12B-5.150, F.A.C.); on or before must be filed by blenders by the 20th day of the month following a month in which transactions occur. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule section, a legal holiday means will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the; Internal Revenue Code; of 1986, as amended and in effect on January 1, 1996, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(d) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Payment of the tax is required to be made by electronic means. Blenders are required to file data elements and schedules contained in the diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means. Blenders who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Blender can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.02(3), 206.48(1), 206.485, 206.86(7), 206.87(2)(e) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98,\_\_\_\_\_.

12B-5.120 Resellers and Retail Dealers.

(1) Any Before any person desiring to may engage in the business of selling motor fuel or diesel fuel at retail or reselling tax-paid fuel to retailers or end users, such person must register with the Department and obtain a separate sales and use tax certificate of registration for each place of be the holder of an unrevoked Sales and use Tax Certificate of Registration, issued by the Department to engage in such business.

(2)(a) Registration with the Department for purposes of sales and use tax is available by using one of the following methods: To obtain a license as a reseller or retail dealer of motor fuel or diesel fuel, a person must complete an Application for Sales and use Tax Registration (Form DR-1), which is incorporated by reference in Rule 12A-1.097(2), F.A.C.

1. Registering through the Department's Internet site at the address shown in the parentheses (<http://www.myflorida.com/dor>) using the Department's "e-Services" without payment of a registration fee; or

2. Filing an Application to Collect and/or Report Tax in Florida (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the form, and the required \$5 registration fee.

(b) A separate application is required for each place of business. Resellers and Retail dealers must pay a separate registration fee of \$5 and file a separate application (Form DR-1) for each place of business in this state.

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.404, 206.41(5), 206.414, 206.43, 206.44, 206.86, 212.18(3) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98,\_\_\_\_\_.

12B-5.130 Refunds.

(1) FUEL USED FOR AGRICULTURAL, AQUACULTURAL, AND COMMERCIAL FISHING PURPOSES.

(a)1. Any person Persons who purchases purchase motor fuel used in any tractor, vehicle, or other equipment that which is used exclusively on a farm for planting, cultivating, harvesting, or processing farm products for sale, may obtain are entitled to a refund of local option, state comprehensive enhanced transportation system, and fuel sales taxes paid under Section 206.41(1)(e), (f), and (g), F.S.

2. Persons using motor fuel or diesel fuel in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, and sponges from the salt or fresh waters of Florida for sale are entitled to a refund of local option, state comprehensive enhanced transportation system, municipal fuel tax, and fuel sales taxes paid under Section 206.41(1)(c),(e), (f), and (g), F.S., and Section 206.87(1)(c), (d), and (e), F.S.

(b)2- Prior to qualifying for obtaining a refund of taxes paid on motor fuel used for agricultural, aquacultural, and commercial fishing purposes, every person is required to file an Application for Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department and obtain a Fuel Tax Refund Permit (Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.) persons must obtain a refund permit from this department.

(c)(b) Persons seeking a refund of taxes paid on motor fuel for agricultural, aquacultural, and commercial fishing purposes must file an Refunds authorized by this subsection will be issued quarterly, and persons requesting refunds of taxes paid on fuel used for agricultural purposes must file quarterly refund returns (Form DR-138, Application for Fuel Tax Refund-Agricultural, Aquacultural, Agriculture and Commercial Fishing Purposes (Form DR-138, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department and submit the original invoices with the returns. Form DR-138 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

(2) UNDYED DIESEL FUEL USED FOR OFF-ROAD PURPOSES OR OTHER EXEMPT PURPOSES USED IN POWER TAKE OFF UNITS.

(a) When undyed diesel fuel is consumed by a power take-off unit or engine exhaust for the purpose of turning a concrete mixer drum, for compacting solid waste, or for unloading bulk cargo by pumping, and such power take-off unit or engine exhaust which is mounted on a motor vehicle that, and such vehicle has no separate fuel tank, tax paid on the diesel fuel will be refunded is subject to a refund as follows:

1. A The refund of tax paid on undyed diesel fuel consumed by vehicles which use fuel to turn a concrete mixer drum or for compacting solid waste, will be granted on

thirty-five percent of the gallons consumed by vehicles that use fuel to turn a concrete mixer drum or for compacting solid waste such vehicle. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund of fuel tax paid. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. The gallons which are subject to refund shall be taxable under Part I of Chapter 212, F.S.

2.a. ~~A~~ The refund of the tax paid on undyed diesel fuel that is consumed by a power take-off unit or engine exhaust for unloading bulk cargo, will be granted on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off or engine exhaust for the purpose of unloading bulk cargo from a pneumatic tank by pumping of fuel tax paid. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.

b. For purposes of this section, a full load pump-off means the unloading of at least 54,000 pounds of dry bulk cargo or its equivalent in gallons using a power take-off or engine exhaust. Persons subject to refund under this subparagraph will use Schedule D1 (Full Load Pump-off Product List), of Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (incorporated by reference in Rule 12B-5.130, F.A.C.) to determine the number of gallons that would be considered a full load for a given product. Initial refunds for products that are not incorporated into Schedule D1 will require documentation to verify the number of gallons that make up a full load to be submitted to the Department with Form DR-309639.

c. The number of pump-offs will be determined by using the following formula:

Gallons or Pounds Unloaded ÷ Full Load Pump Off (as defined above) = Number of Pump-Offs.

d. Vehicles using gasoline do not qualify for this refund.

(b) A refund of fuel tax on undyed diesel fuel will be granted when the fuel is used in off-road stationary equipment or in self-propelled off-road equipment. A refund will not be granted when the fuel is used to operate equipment on the highways. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon of fuel that is eligible for a refund of fuel taxes paid. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.

(c) A refund of fuel tax paid on undyed diesel fuel will be granted when the fuel is used to operate a refrigeration unit or other equipment located on a commercial motor vehicle and the fuel is placed into a separate tank that is not connected to the fuel supply system of the commercial motor vehicle. Undyed diesel fuel used to operate a refrigeration unit or other equipment on a commercial motor vehicle operated by a licensed common carrier for use in interstate or foreign commerce is subject to sales tax based on the partial exemption provided in Section 212.08(9)(b), F.S., and discretionary sales surtax as provided in Section 212.054(2)(b)4., F.S. Sales tax and surtax due is calculated based on the carrier's mileage apportionment factor. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. See Rules 12A-1.064 and 12A-15.013, F.A.C.

~~(b)1. In order to apply for a refund, a purchaser must have obtained a sales tax registration from the Department of Revenue.~~

~~(d)1.2. Persons seeking a refund of tax paid on undyed diesel for off-road or other exempt purposes must file Form DR-309639. Refunds under this subsection are required to submit form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes.~~

~~2.3. The Department will reduce the amount of fuel tax refund due by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. Original invoices or certified copies of invoices obtained from suppliers must be retained by persons electing to file form DR-309639 and must be made available when requested by the Department for audit purposes, but are not required to be submitted with the return when filed.~~

~~(e)(e) An invoice or delivery ticket issued will be made by the seller at the time each motor vehicle is refueled must and will provide accurate information as to the date, the number of gallons placed in the fuel tanks of the motor vehicle, the motor vehicle number or tag number in the event the motor vehicle is not numbered, and the seller's license or registration number. Documentation to All internal records which provide information regarding as to fuel consumption is required to shall be maintained by the purchaser until tax imposed under Chapter 206, F.S., may no longer be determined and assessed under Section 95.091, F.S. purchasers for audit review.~~

(3) No change.

~~(4) FUEL USED FOR COMMERCIAL FISHING PURPOSES IN FLORIDA WATERS.~~

~~(a)1. Persons using motor fuel exclusively for the purpose of operating boats, vessels, or equipment for the taking of aquatic life from salt or fresh waters of Florida for resale, are entitled to a refund of local option, state comprehensive~~

enhanced transportation system, and fuel sales taxes paid under Sections 206.41(1)(e), (f), (g), and 206.87(1)(e), (d), and (e), F.S., and the municipal ~~1~~ gas tax imposed under Section 206.41(1)(e).

2. Prior to obtaining a refund of taxes paid, persons must obtain a refund permit from this department.

(b) Refunds authorized by this subsection will be issued quarterly, and persons requesting refunds of taxes paid on fuel used for commercial fishing purposes must file quarterly refund returns (Form DR-138, Application for Fuel Tax Refund Agriculture and Commercial Fishing Purposes) and submit the original invoices with the returns.

~~(5) SALE OF DIESEL FUEL FOR BUSINESS PURPOSES.~~

~~(a) Undyed Diesel Fuel.~~

1.a. Any person using undyed diesel fuel for business purposes, other than for use on a farm for farming purposes, as defined in Rule 12B-5.020(1)(b), F.A.C., may obtain a refund of fuel taxes paid under Section 206.87, F.S.

b. To obtain a refund under this paragraph, a person must provide proof to the Department that sales tax was paid on undyed diesel fuel used for business purposes.

(b)1. Persons eligible for refunds under this subsection may elect to file either form DR 309639, Application for Refund of Tax Paid on Undyed Diesel Used for off Road or Other Exempt Purposes, monthly, or form DR-26, Application for Refund from the State of Florida Department of Revenue.

2. Taxpayers electing to file form DR-309639 will use the form to deduct the sales tax owed from the fuel tax paid to suppliers on undyed diesel fuel consumed by a trade or business.

3. Any fuel tax paid in excess of the sales tax due will be refunded to the taxpayer.

4. Original invoices or certified copies of invoices obtained from suppliers must be retained by persons electing to file form DR 309639 and must be made available when requested by the Department for audit purposes, but are not required to be submitted with the return when filed.

5. Persons making the election under this paragraph must continue to provide original invoices or certified copies of invoices with form DR-26, when filed.

~~(4)(6) DIESEL FUEL SOLD FOR USE IN VESSELS.~~

~~(a) Dyed Diesel Fuel.~~

1. The sale of dyed ~~Dyed~~ diesel fuel sold for use in any vessel not engaged in interstate or foreign commerce is subject to sales tax and discretionary sales surtax imposed by Chapter 212, F.S., and which must be collected by the selling dealer is required to collect the applicable sales tax and surtax. See Rule 12A-1.059, F.A.C.

2. ~~a.~~ The sale of dyed ~~Dyed~~ diesel fuel sold for use in a vessel used to transport persons or property for hire in interstate or foreign commerce or for use in commercial fishing

vessels is subject to the sales tax partial exemption provided in Section 212.08(4)(a)2., F.S., and subject to discretionary sales surtax, as provided in Section 212.054(2)(b)4., F.S. proration of the tax imposed by Chapter 212, F.S., only to the extent provided herein. Dealers who sell dyed diesel fuel for use in such vessels are required to collect the applicable sales tax and surtax due or to obtain a certificate, as provided in Rule 12A-1.0641, F.A.C., from a qualifying purchaser stating that the fuel will be used in a vessel operated by a licensed carrier in interstate or foreign commerce or used in a vessel for commercial fishing purposes. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio shall be applied each month to the total Florida purchases of dyed diesel fuel which are used in Florida to establish that portion of the total used and consumed within this state and subject to the tax under Chapter 212, F.S. Dyed diesel fuel used exclusively in intrastate commerce does not qualify for proration of tax.

b. Prior to claiming the partial exemption, persons operating vessels which transport persons or property in intrastate commerce and interstate or foreign commerce who make any purchase of dyed diesel fuel must register as dealers with the Department and extend in writing at the time of purchase a resale certified in lieu of tax, stating the specific reasons for exemption. Vessels which operate on the canals or inland waterways of Florida are deemed to be engaged in intrastate commerce. However, mileage of such vessels from the territorial limit to port dockside and return into international waters, foreign or coastwise, in the continuous movement of persons or property in interstate or foreign commerce, is not considered to be mileage in Florida.

e. In addition, the partial exemption of dyed diesel fuel used to transport persons or property in interstate or foreign commerce shall not be allowed unless the purchaser signs an affidavit stating that the item or items to be partially exempted are for the exclusive use designated herein, not used for pleasure purposes, and setting forth the extent of such partial exemption.

3. Persons operating vessels which transport persons or property exclusively in interstate or foreign commerce may, in lieu of registering as a dealer, furnish vendors with a signed statement that they do not operate on or in the canals or inland waterways of Florida. Mileage of vessels from the territorial limit to port dockside and return into international waters is not considered to be mileage in Florida.

4. A suggested affidavit is presented in subsection (7), below for fuel used in interstate and foreign commerce.

(b) Undyed diesel fuel sold to a purchaser ~~Undyed diesel fuel sold for use on a noncommercial vessel~~ in vessels is subject to the fuel taxes imposed under ~~Section~~ § 206.87(1), F.S. The purchaser may obtain a refund of diesel fuel tax paid

as follows: The purchaser may apply for a refund, which shall be the purchaser may apply for a refund, which shall be the difference between the fuel taxes imposed under Section 206.87(1), F.S., and the sales tax and discretionary sales surtax imposed under Chapter 212, F.S. To obtain the refund, owners are required to file form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes, and subject to restrictions provided in Section 206.8745(7), F.S.

1. The purchaser must purchase 2,500 gallons or more of diesel fuel for use in a noncommercial vessel per calendar year. No refund will be allowed on purchases of less than 2,500 gallons per calendar year.

2. The purchaser must file an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.), prior to April 1 of the year subsequent to each calendar year in which the diesel fuel tax was paid. The purchaser is entitled to file only one application per calendar year.

3. The purchaser is required to submit original invoices showing the amount of taxes paid with the application. Form DR-26 must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. The purchaser is required to pay the sales tax, plus any applicable discretionary sales surtax. The Department will reduce the amount of refund due on tax-paid diesel fuel used for exempt purposes by the amount of sales tax and discretionary sales surtax due.

(5) UNDYED DIESEL FUEL CONSUMED BY CERTAIN MOTOR COACHES.

(a) Undyed diesel fuel sold in this state that is consumed by the engine of a qualified motor coach, as defined in Section 206.8745(8), F.S., during idle time for the purpose of running climate control systems and maintaining electrical systems is subject to a refund of fuel tax paid.

(b) The purchaser of fuel used for such purpose may obtain a refund of diesel fuel tax paid as follows:

1. The purchaser must file an Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (Form DR-309640, incorporated by reference in Rule 12B-5.150, F.A.C.), prior to April 1 of the year subsequent to each calendar year in which the diesel fuel tax was paid. The purchaser is entitled to file only one application per calendar year.

2. The purchaser is required to submit with the application originals or copies of invoices showing the amount of taxes paid. In lieu of invoices or copies of invoices, the purchaser may submit the Schedule of Fuel Consumed During Idle Time in Florida (Part III of Form DR-309640) and the Schedule of Undyed Diesel Fuel Purchased in Florida for Use in a Motor Coach (Part IV of Form DR-309640).

3. The purchaser is required to pay sales tax, plus any applicable discretionary sales surtax. The Department will reduce the amount of fuel tax refund by the amount of sales tax, plus any applicable discretionary sales surtax, due.

(7) The following is a suggested affidavit form to be used when purchasing items appropriate to carry out the purpose for which a commercial vessel used to transport persons or property in interstate or foreign commerce is designed, equipped, and used:

AFFIDAVIT FOR PURCHASING FUEL APPROPRIATE TO CARRY OUT THE PURPOSE FOR WHICH A VESSEL IS DESIGNED, EQUIPPED, AND USED

I, \_\_\_\_\_, as owner, owner's agent, or operator of the commercial vessel, Home Port of \_\_\_\_\_, CERTIFY THAT:

1. The fuel purchased from the vendor listed below (copy of purchase invoice attached) is to be used only on the named vessel to transport persons or property in interstate or foreign commerce and is appropriate to carry out the purpose for which the vessel is designed, equipped, and used.

2. The fuel is purchased for use only on board this vessel (Check appropriate item)

(-) This vessel has not operated and will not operate on the canals or inland waterways or otherwise within the territorial waters of Florida.

(-) This vessel will operate in both non Florida and Florida waters and will report Florida Sales Tax in accordance with Rule 12A-1.064, F.A.C.

Dealer's Certificate of Registration Number: \_\_\_\_\_

This statement is issued in compliance with Rule 12A-1.064, Florida Administrative Code, in order to exempt or partially exempt this purchase from Florida Sales and use Taxes. This certification will continue in force until revoked by written notice to the vendor and the Department of Revenue.

\_\_\_\_\_  
Vendor's Name

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Notary Public

(Seal)

My Commission Expires

Cross Reference-Rules 12A-1.059 and 12A-1.0641, F.A.C.

Specific Authority 206.14(1), 206.59(1), 206.8745(6), 213.06(1) FS. Law Implemented 206.41(4), (5), 206.43(5), (6), 206.64, 206.8745, 206.97 FS. History--New 7-1-96, Amended 11-21-96, 10-27-98, \_\_\_\_\_.

12B-5.140 Dyeing and Marking; Mixing.

(1) Marking and Dyeing.

~~(a)1. The Beginning July 1, 1996, and thereafter, the dyeing and marking of diesel fuel will follow the requirements of 48.4082-1, Treasury Regulations; (hereby incorporated by reference in this rule), and shall conform to the requirements pursuant to the Environmental Protection Agency’s high sulfur diesel fuel requirements as found in 40 CFR 80.29 in effect on July 1, 1996 (hereby which is also incorporated by reference in this rule).~~

~~2. On or after July 1, 1996, when expressly authorized by law, any amendments to either 48.4082-1 of the Treasury Regulations, or the Environmental Protection Agency’s Code Section 40 CFR 80.29 shall be given effect under this rule in such manner and for such periods as are prescribed in such regulation or code, to the same extent as if such amendment had been adopted by the Legislature of this State.~~

~~3. The Department will notify all fuel tax licensees of changes in 48.4082-1, Treasury Regulations, and in Section 40 CFR 80.29, of Environmental Protection Agency’s Code on or before December 31 of each year.~~

~~(2) Mixing.~~

~~(a)4. A licensed terminal supplier, importer, or wholesaler that which holds title to taxable diesel fuel that which has been mixed with dyed diesel fuel in storage may qualify for claim a refund of or credit for any state and local option tax paid on the taxable diesel fuel as follows:-~~

~~1.2. The To qualify for a refund or credit, the terminal supplier, importer, or wholesaler must contact the Department of Revenue at (850)410-0329 within 30 days 24 hours of the misfueling incident that caused the mixing of dyed diesel fuel with taxable diesel fuel to, and must obtain a refund authorization number. The terminal supplier, importer, or wholesaler must report the following information:~~

~~3. To obtain a refund authorization number, the terminal supplier, importer, or wholesaler must report the following:~~

~~a. through h. No change.~~

~~2.(b) Prior to granting a refund authorization number, the The Department of Revenue will may investigate the circumstances of the misfueling incident and the handling of the mixed dyed diesel fuel with taxable diesel fuel; prior to granting the refund authorization number.~~

~~(b) To obtain a refund of tax paid on diesel fuel, the terminal supplier, importer, or wholesaler holding a refund authorization number must file an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26 must be filed 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. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.~~

~~(c)1. The discovery by the Department of Revenue of dye in any fuel storage facility that is not properly marked for off highway or other exempt use as dyed fuel; will be prima facie evidence of a violation of Section 206.8741, F.S., and subject to the penalty imposed under Section 206.872(11), F.S. this rule, and not subject to refund or credit, unless the misfueling incident has been previously reported as provided under this section.~~

~~2. Unless the misfueling incident has been previously reported, persons found in violation of the marking provisions will be subject to a penalty of the greater of \$10 for each gallon of diesel fuel involved or \$1,000, and no refund of tax paid on the diesel fuel will be granted.~~

Specific Authority 206.14(1), 206.59(1), 206.8741(1), 213.06(1) FS. Law Implemented 206.8741, 206.8745(3) FS. History—New 7-1-96, Amended 11-21-96, \_\_\_\_\_.

12B-5.150 Public Use Forms Used by Public.

~~(1)(a) The following public use forms and instructions are utilized by the Department of Revenue, dated below, and are hereby incorporated and made part of this rule by reference in this rule. The instructions on the forms listed below have the same authority as the rules.~~

~~(b) Copies may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (http://www.myflorida.com/dor/). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331. For those with other disabilities, please inform the Department as to how your inquiry may be reasonably accommodated.~~

Form Number	Title	Effective Date
<del>(1) DR-110</del>	<del>Pollutants License R- 8/96</del>	<del>11/96</del>
<del>(2) DR-114</del>	<del>Fuel License R- 4/96</del>	<del>11/96</del>
<del>(1)(3) DR-138</del>	<del>Application for Fuel Tax Refund- Agriculture, Aquacultural, and Commercial Fishing Purposes (R. 03/05) R- 8/96</del>	<del>_____ 11/96</del>
<del>(2)(4) DR-156</del>	<del>Florida Fuel Tax Application (R. 01/06) R- 1/98</del>	<del>_____ 1/98</del>
<del>(3) DR-156R</del>	<del>Florida Fuel Tax Renewal Application (R. 01/06)</del>	<del>_____</del>

(4)(5)DR-157	Fuel Tax Surety Bond (R. 08/03) R-2/96	___	11/96	(28)(32) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. 01/06) N-7/96	___	11/96
(5)(6) DR-157A	Assignment of Time Deposit (R. 08/03) R-8/96	___	11/96	(29)(33) DR-309635	Blender/Retailer-Wholesaler of Alternative Fuel Tax Return (R. 01/06) N-7/96	___	11/96
(6)(7) DR-157B	Fuel Tax Cash Bond (R. 08/03) R-8/96	___	11/96	(30)(34) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. 01/06) N-7/96	___	11/96
(7) DR-157W	Bond Instructions (R. 01/04)	___		(31)(35) DR-309636	Terminal Operator Information Return (R. 01/06) N-7/96	___	11/96
(8) DR-160	Application for Fuel Tax Refund Mass Transit System Users (R. 03/05) Tax Refund R-8/96	___	11/96	(32)(36) DR-309636N	Instructions for Filing Terminal Operator Information Return (R. 01/06) N-7/96	___	11/96
(9) DR-161	Refund Application Schedule of Purchases for Tax Paid Purchases Only (R. 01/06) R-8/96	___	11/96	(33)(37) DR-309637	Petroleum Carrier Information Return (R. 01/06) N-7/96	___	11/96
(10) DR-166	Florida Pollutant Tax Application (R. 01/06) R-1/98	___	1/98	(34)(38) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. 01/06) N-7/96	___	11/96
(11) DR-176	Application for Air Carrier Fuel Tax License (N. 01/06)	___		(35)(39) DR-309638	Exporter Fuel Tax Return (R. 01/06) N-7/96	___	11/96
(12)(11) DR-179	Corporate Surety Bond Form Applicant for Motor or Diesel Fuel Tax Refund for Refund Permit Applicant (R. 09/97) R-8/96	___	11/96	(36)(40) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. 01/06) N-7/96	___	11/96
(12) DR-181	License Card for Vehicle or Vessel R-8/96	___	11/96	(37)(41) DR-309639	Application for Return of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with Instructions) (R. 04/06) N-7/96	___	11/96
(13) DR-182	Florida Air Carrier Fuel Tax Return (R. 02/05) R-1/96	___	11/96	(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/06)	___	
(14) DR-182AC	Florida Air Carrier Fuel Tax Return R-1/96	___	11/96	(39)(42) DR-309641	Gasoline/Gasohol Local Option Schedule by County (R. 01/06) R-9/96	___	11/96
(14)(15) DR-185	Application for Refund Permit (R. 06/04) R-8/96	___	11/96	(40)(43) DR-309642	Ultimate Vendor Credits (R. 01/06) R-7/96	___	11/96
(15)(16) DR-189	Application for Fuel Tax Refund Municipalities, Counties and School Districts (R. 03/05) R-8/96	___	11/96	(41)(44) DR-309643	Mass Transit and Local Government User-Schedule of Receipts (R. 01/06) N-7/96	___	11/96
(16)(17) DR-190	Application for Fuel Tax Refund Non-Public Schools (R. 03/05) R-8/96	___	11/96	(42)(45) DR-309644	Local Government User-Schedule of Disbursements (N. 01/06) N-7/96	___	11/96
(17)(18) DR-191	Application for Aviation Fuel Tax Refund-Air Carriers (R. 03/04) R-8/96	___	11/96	(43) DR-309660	Application for Pollutant Tax Refund (N. 04/06)	___	
(19) DR-192	Refund Permit R-8/96	___	11/96				
(18)(19) DR-248	Alternative Fuel Use Permit Application and Order Form (R. 08/03) R-8/96	___	11/96				
(19) DR-248R	Alternative Fuel Decal Rates for 2004 (R. 11/04)	___					
(21) DR-249	Alternative Fuel Use Permit R-8/96	___	11/96				
(23) DR-249B	Alternative Fuel Use Permit R-8/96	___	11/96				
(22) DR-249A	Alternative Fuel Use Permit 8/96	___	11/96				
(20)(24) DR-904	Pollutants Tax Return (R. 03/05) R-8/96	___	11/96				
(21)(25) DR-309631	Terminal Supplier Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(22)(26) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(23)(27) DR-309632	Wholesaler/Importer Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(24)(28) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(25)(29) DR-309633	Mass Transit System Provider Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(26)(30) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. 01/06) N-7/96	___	11/96				
(27)(31) DR-309634	Local Government User of Diesel Fuel Tax Return (R. 01/06) N-7/96	___	11/96				

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History-New 11-21-96, Amended 10-27-98.

PART II

TAX ON ALTERNATIVE FUEL

12B-5.200 ~~Retailers Wholesalers~~ of Alternative Fuel.

(1) GENERAL INFORMATION.

(a) Persons who purchase for resale, import or store alternative fuel in a ~~storage~~ facility other than at a terminal, and who place any portion of alternative fuel purchased, imported, or stored into the fuel supply system of a motor vehicle must obtain a license as a ~~Retailer Wholesaler~~ of Alternative Fuel.

(b) ~~Retailers Wholesalers~~ of Alternative Fuel may:

1. through 5. No change.

(2) LICENSING AND BONDING.



(a) To obtain an annual ~~a~~ license as a Retailer Wholesaler of Alternative Fuel, every ~~a~~ person must will file a form DR-156, Florida Fuel Tax Application (Form DR-156, which is incorporated by reference in Rule 12B-5.150, F.A.C.); and the required attachments with the Department, as provided in the application under oath, meeting all requirements specified in s. 206.89, F.S.

2. Each initial or renewal application must be accompanied by a \$5 registration fee.

(b) Persons that hold valid licenses as wholesalers already licensed as Wholesalers pursuant to Section s. 206.02, F.S., are not required to obtain a separate license be licensed as a Retailer Wholesaler of Alternative Fuel.

(c) Bonds of Retailers Wholesalers of Alternative Fuel will be computed at three times the average monthly liability of fuel that which is placed into the supply system of vehicles registered in a state other than Florida.

(3) FUELING OF A VEHICLE WITH FLORIDA DECAL.

(a) In lieu of paying fuel taxes on the purchase of alternative fuel that which is placed into the supply tank of a vehicle registered in Florida, all owners or operators of vehicles powered by alternative fuels are required to obtain an annual will acquire a valid Alternative Fuels Decal for each qualified vehicle from the Department of Revenue. The owners or operators of qualified such vehicles are required to will pay an annual decal fee on each such motor vehicle, as provided in Section in accordance with the rate schedule under s. 206.877, F.S., which is based on specifications pursuant to s. 320.08, F.S.

(b) In addition to the annual alternative decal fee, the sale of alternative fuel is subject to sales tax imposed under Chapter 212, F.S. See Rule 12A-1.059, F.A.C.

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

(a) No change.

(b) Retailers Wholesalers of Alternative Fuel who place alternative fuel in vehicles that are registered in a State other than Florida, are required to collect and remit all taxes imposed under Section s. 206.87, F.S.

(c) No change.

(5) RETURNS AND REGULATIONS.

(a) ~~Licensed Retailers Wholesalers~~ of Alternative Fuel are required to file a will report taxes collected on alternative fuel that which is placed into vehicles powered by alternative fuel on form DR-309635, Blender/Retailer Wholesaler of Alternative Fuel Tax Return (Form DR-309630, incorporated by reference in Rule 12B-5.150, F.A.C.), by the 20th day of the month following a month in which transactions of placing fuel into vehicles powered by alternative fuel occur.

2- If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

(b) For the purpose of this rule ~~section~~, a legal holiday means will mean a holiday that which is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b)(e) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-

1. Payment of the tax is required to be made by electronic means; Wholesalers of Alternative Fuel are required to file data elements and schedules contained in the diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Wholesalers of Alternative Fuel who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Wholesaler of Alternative Fuel can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

Specific 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.

PART III

TAX ON AVIATION FUEL AND KEROSENE

12B-5.300 Aviation Fuel Licensees.

(1) No change.

(2) GENERAL INFORMATION.

(a) 1. through 3. No change.

4. Bonding. Prior to becoming licensed, each new terminal supplier applicant must submit, to the Department, a bond, as provided in paragraph (2)(b) of Rule under the provisions of section 12B-5.050(2)(b), F.A.C., of this rule.

(b) Wholesalers of Aviation Fuel or Undyed Kerosene.

1. ~~Any person~~ Persons who ~~stores~~ store aviation fuel or undyed kerosene for sale in Florida in a facility other than at a terminal registered with the Internal Revenue Service must ~~hold a valid license as~~ obtain a wholesaler license. See Rule 12B-5.060, F.A.C.

2. through 3. No change.

4. Bonding. Prior to becoming licensed, each new wholesaler applicant must submit, to the Department, a bond, ~~as provided in paragraph (2)(c) of Rule~~ an amount which is determined by the provisions of rule section 12B-5.060(2)(e), F.A.C., of this rule.

(c) Importers of Aviation Fuel or Undyed Kerosene.

1. ~~Every person~~ Persons who ~~imports~~ import aviation fuel or undyed kerosene into Florida, by common or private carrier, upon which Florida tax has not been charged or collected must ~~hold a valid~~ obtain a license as a wholesaler and as an importer. See Rules 12B-5.030 and 12B-5.060, F.A.C.

~~2. Importers must first be licensed as wholesalers in this State.~~

~~2.3.~~ Bonding. Prior to becoming licensed, each new ~~exporter~~ importer applicant must submit, to the Department, a bond, ~~as provided in paragraph (2)(b) of Rule~~ 12B-5.030, F.A.C. an amount which is determined by the provisions of rule section 12B-5.030(2)(b) of this rule.

(d) Exporters of Aviation Fuel or Undyed Kerosene.

1. through 2. No change.

3. Bonding. Prior to becoming licensed, each new importer applicant must submit, to the Department, a bond, ~~as provided in paragraph (2)(c) of Rule~~ 12B-5.080, F.A.C. an amount which is determined by the provisions of rule section 12B-5.080(2)(e), F.A.C., of this rule.

(e) Carriers of Aviation Fuel or Undyed Kerosene.

1. ~~Any person who transports~~ All persons transporting aviation fuel or undyed kerosene within this State must ~~hold a valid license as a~~ have an unrevoked carrier license ~~issued by the Department.~~ See Rule 12B-5.040, F.A.C.

2. through 3. No change.

(3) EXEMPT SALES.

(a) Sales of Aviation Fuel to the United States Government. The sale by terminal suppliers and wholesalers of aviation fuel or undyed kerosene in quantities of 500 gallons or more per delivery to the United States Government, its departments, or its agencies is exempt from tax.

(b) through (c) No change.

(d) Sales of Undyed Kerosene for Home Heating or Cooking.

1. Terminal suppliers who deliver undyed kerosene to a residence for home heating or cooking must ~~accrue~~ assess themselves the 6.9 cents excise tax ~~due on the number of gallons delivered on its,~~ but may take an ultimate vendor credit for the amount of tax assessed when form DR-309631, Terminal Supplier Fuel Tax Return (Form DR-309631,

incorporated by reference in Rule 12B-5.150, F.A.C.) is filed. To obtain a credit for tax accrued, terminal suppliers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642, incorporated by reference in Rule 12B-5.150, F.A.C.) and submit it to the Department with Form DR-309631.

2. Wholesalers ~~that who~~ deliver tax-paid undyed kerosene to a residence for home heating and cooking may ~~obtain a take~~ an ultimate vendor credit for the 6.9 cents excise tax paid to suppliers when filing their on form DR-309632, Wholesaler/Importer Fuel Tax Returns Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.) when filed. To obtain a credit for tax paid, wholesalers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642), and submit it with Form DR-309632.

3. No change.

4. Terminal suppliers and wholesalers who deliver undyed kerosene to retail dealers for resale of such fuel exclusively for home heating and cooking may ~~obtain a take an ultimate vendor credit for tax paid on the number of~~ gallons delivered. To obtain a credit for tax paid, terminal suppliers and wholesalers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642). Terminal suppliers must submit the completed Schedule 12 with Form DR-309631. Wholesalers must submit the completed Schedule 12 with Form DR-309632.

5. No change.

6. Sales of Undyed Kerosene to a Reseller for Use as a Home Heating or Cooking Fuel.

a. A licensed wholesaler or terminal supplier may sell undyed kerosene to a reseller that qualifies as a retail dealer for sale of home heating or cooking fuel and may ~~obtain~~ receive a credit or a refund as the ultimate vendor. To obtain a credit or a refund for tax paid, wholesalers and terminal suppliers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642). Terminal suppliers must submit the completed Schedule 12 with Form DR-309631. Wholesalers must submit the completed Schedule 12 with Form DR-309632. To obtain a refund of tax paid, wholesalers must file an Application for Refund (Form DR-26, incorporated by reference in rule 12-26.008, F.A.C.) with the Department. Form DR-26 must be filed 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. through c. No change.

d. Resellers that make sales of undyed kerosene for use other than for home heating or cooking without paying the aviation fuel tax are in violation of Chapter 206, F.S., and subject to the penalties provided in Section 206.872(11)(a), F.S. Department action to revoke the sales and use license and the carrier license.

e. A wholesaler or terminal supplier that knows or should have known that the reseller is not making deliveries of undyed and untaxed kerosene for home heating or cooking can lose the ultimate vendor privilege for reseller sales and will be subject to tax, penalty, and interest.

(4) No change.

(5) RETURNS AND REGULATIONS.

(a) Any person who holds an aviation fuel license is required to file the following tax returns monthly with the Department of Revenue:

1. Terminal suppliers of aviation fuel are required to will report tax due on aviation fuel on Form form DR-309631, Terminal Supplier Suppliers Fuel Tax Return.

2. Wholesalers and importers of aviation fuel are required to will report tax due on aviation fuel on Form form DR-309632, Wholesaler/Importer Fuel Tax Return.

3. Exporters of aviation fuel are required to will report all purchases of aviation fuel from terminal suppliers or wholesalers in Florida of fuel that is exported to another state on Form form DR-309638, Exporter Fuel Tax Return.

4. Terminal Operators of aviation fuel are required to report the number of gallons of aviation fuel removed from storage through the terminal rack and aviation fuel imported by means other than bulk transfer into Florida on Form will file form DR-309636, Terminal Operator Information Fuel Tax Return.

5. Carriers of aviation fuel are required to report all aviation fuel moving by truck, rail, pipeline, barge, ship, or other conveyance on Form will report the transport of aviation fuel using form DR-309637, Petroleum Carrier Information Return.

6. Air carriers that have elected to apportion aviation fuel tax under the provisions of s. 212.0598, F.S., will report the use of aviation fuel using form DR-182AC, Florida Air Carrier Fuel Tax Return, beginning January 1997, which is incorporated by reference in Rule 12B-5.150, F.A.C.

(b) The forms in paragraph (a) are incorporated by reference in Rule 12B-5.150, F.A.C.

(c) Electronic filing of payments, returns, and other required information reports must be submitted to the Department as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-

1. Payment of the tax is required to be made by electronic means: Fuel licensees which sell aviation fuel are required to file data elements and schedules contained in the appropriate fuel tax return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means: Those licensees who sell alternative fuel who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with any return for reporting tax; or Deferral requests will be granted by the Department when a licensee who sells alternative fuel can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(6) No change.

(7) REFUNDS AND CREDITS.

(a) Refunds to Air Carriers for Wages Paid to Employees.

1. Any carrier that is in the business of transporting persons or property for compensation or hire by air will be entitled to a refund of the tax paid on aviation fuel pursuant to Part III of Ch. 206, F.S. The amount of refund shall not exceed the amount of aviation fuel tax paid.

2. No change.

3. The refund shall not exceed either .006 times total gross wages paid in Florida for that quarter, or the amount of aviation fuel tax paid.

3.4. To obtain a refund of aviation fuel tax paid, an Air carrier is required to file an will make an application for refund of wages paid on Form DR-191, Application for Aviation Fuel Tax Return-Air Carriers (Form DR-191, which is incorporated by reference in Rule 12B-5.150, F.A.C.), with by attaching information as may be required by the Department regarding wages or payroll records, and provide necessary documents or information as proof of payment of tax pursuant to Chapter 206, F.S. Form DR-191 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing day may be extended one additional month when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

4. Amended applications for the prior calendar quarter must be received by the Department by the current calendar quarter's deadline.

5. No refund will be authorized for a tax refund of less than \$5 for a refund period.

5. Refunds will be issued on a calendar quarter basis ending march 31, June 30, September 30 and December 31. Application for refunds will be filed within thirty days after the last day of each quarter for which refund is being requested.

6. Application for refunds will be considered as filed timely if postmarked on or before the thirty day period, except on a Saturday, a Sunday or a state or federal legal holiday, in which case, the date of the next following work day will be accepted.

(b) Refunds to Air Carriers That Apportion Tax.

1. Air carriers that elect to prorate aviation fuel tax under the provisions of Section 212.0598, F.S., are required to file form DR-182AC, Florida Air Carrier Fuel Tax Return.

~~2. Such carriers will compute aviation fuel tax by multiplying 8 percent times the cost of each gallon of fuel purchased during a month times the carrier's apportionment factor determined in the prior calendar year.~~

~~3. When apportioned aviation fuel tax, computed by an air carrier, is less than the amount of Florida aviation fuel tax paid during a month, the difference will be granted as either a refund or as a credit deduction from the carrier's sales tax liability.~~

~~(b)(e) Any fixed base operator that who sells aviation fuel to the United States federal government, its departments, or its agencies for use in governmental aircraft is entitled to apply for a refund of tax paid on such fuel. To receive a refund of tax paid, the fixed base operator must file an by-making application for refund on Form DR-26, Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department from the State of Florida Department of Revenue, pursuant to s. 215.26, F.S., and by furnishing such information as the Department may require for issuance of such refund. Form DR-26 must be filed 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. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.~~

~~(8) No change.~~

~~(9) COMMERCIAL AIR CARRIERS; REGISTRATION; REPORTING.~~

~~(a) Registration.~~

~~1. All airlines that operate operating as commercial air carriers in Florida are required to hold a valid aviation fuel tax license must apply on an annual basis for an Air Carrier Fuel Tax License.~~

~~2. To obtain an annual license, a commercial air carrier must file an Application for Air Carrier Fuel Tax License (Form DR-176, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.~~

~~3. To renew an annual license, a commercial air carrier must file a Renewal Application for Pollutant or Air Carrier License (Form DR-166R, incorporated by reference in Rule 12B-5.150, F.A.C.)~~

~~3.2. Each initial or The license and renewal application must be accompanied by a fee is \$30 license fee, will be paid into the State Treasury to be credited to the General Revenue Fund.~~

~~(b) Reporting. All Whenever a licensed commercial air carriers are required to file a Florida Air Carrier Fuel Tax Return (Form DR-182, incorporated by reference in Rule 12B-5.150, F.A.C.), to report carrier withdraws aviation fuel withdrawn from bonded inventories and use in domestic flights; or imports of non-tax paid aviation fuel for use in~~

domestic flights, and to the air carrier will remit tax due at the rate of 6.9 cents per gallon on form DR-182, Florida Air Carrier Fuel Tax Return, which is incorporated in Rule 12B-5.150, by reference. Form DR-182 must be filed on or before the 20th day of each month for transactions during the previous month to avoid penalty for late filing. If the 20<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(c) Electronic filing of payments, returns, and other information reports must be submitted to the Department as provided in Rule Chapter 12-24, F.A.C., when: Rate of Tax.

1.a. Payment of the tax is required to be made by electronic means; Air carriers that make the election to pay tax under the special apportionment formula pursuant to Section 212.0598, F.S., are subject to a tax rate of 8 percent of the retail sales price on the purchase of each gallon of aviation fuel.

b. Tax remitted under the election will not be lower than 4.4 cents per gallon.

e. This proration of tax will expire on July 1, 2000.

2.a. Any return for reporting tax is required to be submitted by electronic means; Air carriers that make this election will apportion the tax pursuant to Rule 12A-1.064, F.A.C.

b. Each carrier's ratio will be determined at the close of the carrier's preceding fiscal year, and the ratio will not change by more than 10 percent over the carrier's previous fiscal year.

3.a. No tax is due with any return for report tax; or Each air carrier, after applying for the above election, will file with, and remit to the Department, the proper tax found to be due by computing the tax pursuant to the apportionment formulas arrived at under Section 212.0598, F.S.

b. Such tax will be filed on form DR-182AC, Florida Air Carrier Fuel Tax Return, which is incorporated in Rule 12B-5.150, F.A.C., by reference.

4. Any information report is required to be submitted by electronic means. Air carriers making this election will not be authorized the refund provided in Section 206.9855, F.S.

Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) FS. Law Implemented 206.02, 206.03, 206.05, 206.43, 206.48, 206.485, 206.90, 206.91, 206.9825, 206.9835, 206.9865, 206.9875, 212.0598 FS. History--New 11-21-96, Amended 10-27-98, \_\_\_\_\_.

PART IV  
TAX ON POLLUTANTS

12B-5.400 Producers and Importers of Pollutants.

(1) through (2) No change.

(3) LICENSING AND BONDING.

(a) Any person who does not hold a valid motor fuel, diesel fuel, or aviation fuel tax license issued pursuant to Persons not registered pursuant to Parts I, II, or III of Ch. 206, F.S., and who produces, imports, or causes pollutants produce, import, or cause to be imported into this state State taxable pollutants, is required to obtain shall apply for and be issued a pollutants tax license identification number as an importer or producer.

(b) To obtain an annual procure a license as an importer or producer of taxable pollutants, a person must file a with the Department an application, form DR-166 (Florida Pollutant Tax Application (Form DR-166, incorporated by reference in Rule 12B-5.150, F.A.C.); and the required attachments with under oath and in such form as prescribed by the Department, as provided in the application which meets all requirements specified in s. 206.9931, F.S. The Department will require an applicant for a license as an importer or producer of pollutants to provide photograph, fingerprints, or other data required under the provisions of s. 206.02, F.S., prior to obtaining a license.

2. To renew an annual license, an applicant must file a Florida Fuel Tax Renewal Application (Form DR-166R, incorporated by reference in Rule 12B-5.150, F.A.C.).

3. Each initial or renewal application submitted by a person who is not currently licensed under Parts I, II, or III of Chapter 206, F.S., must be accompanied by a \$30 registration fee.

(c) The registration fee shall be \$30.00 for all persons not registered or licensed pursuant to Parts I, II, or III of Ch. 206, F.S. Persons registered or licensed pursuant to Parts I, II, or III of Ch. 206, F.S., are not required to pay a separate registration fee for pollutants tax.

(d) through (f) renumbered (c) through (e) No change.

(4) EXEMPTIONS.

(a) through (d) No change.

(e) The United States federal government, its departments, or and its agencies which import pollutants into this State are exempt from tax and are not required to file a return with the Department the "Pollutant Tax Return." Pollutants tax licensees who sell pollutants to the United States federal government, it departments, or and its agencies are not exempt from paying the tax due on pollutants to the Department.

(5) TAXABLE PRODUCTS.

(a) through (c) No change.

(d) Rate of Tax.

1. The excise tax is levied by Sections ss. 206.9935(1)(a), 206.9935(2)(a), and 206.9935(3)(a), F.S., for the tax for coastal protection, tax for water quality, and tax for inland protection Tax for Coastal Protection, Tax for Water Quality; and Tax for Inland Protection, respectively.

2. The tax rate on all pollutants first produced in, or imported into Florida is subject to change. The Department shall provide written notice to all licensees of these changes as they occur.

2.3. The effective tax rates for each trust fund on or after the indicated dates are:

a. Coastal Protection Tax: 2 cents per barrel of pollutant.

7-1-89 2 cents per barrel of pollutant

b. Inland Protection Tax: 80 cents per barrel of pollutant.

7-1-86 10 cents per barrel of pollutant

5-1-88 20 cents per barrel of pollutant

8-1-91 30 cents per barrel of pollutant

5-1-92 80 cents per barrel of pollutant

c. Water Quality Assurance Tax:

Motor Oil and Lubricants-2.5 cents per gallon

Solvents-5.9 cents per gallon

Other Petroleum Products, Pesticides, and Chlorine-5 cents per barrel

Ammonia-2 cents per barrel.

1-1-87 All Pollutants-2 cents per barrel

10-1-88 Motor Oil and Other Lubricants 5 cents per gallon

10-1-88 Solvents containing compounds specifically listed in Section 206.9925(5), F.S. 10 cents per gallon

7-1-89 Motor Oil and Lubricants-1 cents per gallon Thru

2-28-90 Solvents and solvent mixtures-2.36 cents per gallon

3-1-90 Motor Oil and Lubricants-2.5 cents per gallon Solvents and solvent mixtures-5.9 cents per gallon

(Solvent mixtures tax is repealed July 1, 1996)

Other Petroleum Products, Pesticides, and Chlorine-5 cents per barrel

Ammonia-2 cents per barrel

3.4. No change.

(6) RETURNS AND REGULATIONS.

(a) Any person licensed as a terminal supplier, importer, wholesaler, or blender pursuant to Chapter 206, F.S., and any person licensed as an importer or producer of pollutants is required to file a Pollutants Tax Return (Form DR-904, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of the month following the month of sale or first removal of pollutants from storage. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied

by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. Reports and payment of tax to the Department of Revenue by registrants shall be due monthly as provided by Section 206.9931(2), F.S.

(b) All statements or reports required by Part IV of Ch. 206, F.S., shall be filed whether or not tax is due.

(e) All taxable petroleum products, pesticides, ammonia, chlorine, solvents shall be reported on the "Pollutants Tax Return" (DR-904).

(b)(4) ~~When quarterly, semi-annual, or annual reporting is authorized by the Department, pursuant to Section 206.9931(5), F.S., the tax is due on or before the 20th day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month. Instead of reporting for 12 monthly reporting periods, the Executive Director, or the Executive Director's designee, will authorize, if requested, a quarterly return and payment when the tax remitted by the licensee for the preceding quarter did not exceed \$100; or a semiannual return and payment when the tax remitted by the licensee for the preceding six months did not exceed \$200; or an annual return and payment when the tax remitted by the licensee for the preceding twelve months did not exceed \$400. When quarterly, semiannual, or annual reporting is authorized, taxes become due the first day of the month following the authorized reporting period and shall be delinquent on the twenty-first day thereof. A licensee requesting permission to request in writing to the Department, setting out the requested reporting period, the trade name, mailing address, and the licensee's pollutants license number.~~

(c)(e) ~~Electronic filing of payments, returns, and other information reports must be submitted to the Department. Where payment by electronic funds transfer is required the tax shall be remitted as provided by Chapter 12-24, F.A.C., when:~~

1. ~~Payment of the tax is required to be made by electronic means;~~
2. ~~Any return for reporting tax is required to be submitted by electronic means;~~
3. ~~No tax is due with any return for reporting tax; or~~
4. ~~Any information report is required to be submitted by electronic means.~~

(7) REFUNDS AND CREDITS.

(a) ~~Any licensee that registrant who is entitled to a refund of pollutant tax pursuant to Section 206.9942, F.S., is required to file with the Department an may apply for such~~

~~refund on form DR-26, Application for Pollutant Tax Refund (Form DR-309660, incorporated by reference in Rule 12B-5.150, F.A.C.). The request for refund must be supported by charge tickets, sales slips, invoices, or other tangible evidence of the sale; applicable export schedules, and shipping and delivery documents. Charge tickets, sales slips, invoices, or other tangible evidence of the sale must contain the following information: Refund from the State of Florida Department of Revenue. Any refund request or credit shall be supported by original sales invoices showing the tax was paid to the Department and a copy of the supporting export schedules required with returns, shipping and delivery documents.~~

- a. ~~The name, mailing address, and location address of the purchaser;~~
- b. ~~The type of pollutant and the number of gallons or barrels purchased;~~
- c. ~~The date on which the purchase was made;~~
- d. ~~The price paid for the pollutants;~~
- e. ~~The name and place of business of the seller;~~
- f. ~~The pollutant tax paid per gallon or per barrel; and~~
- g. ~~The Department of Environmental Protection storage tank facility identification number for the seller, if applicable;~~

2. ~~In lieu of original sales invoices, the applicant applying for a refund may submit a detailed schedule of individual transactions that includes the information required under subparagraph 1. Original invoices or certified copies of invoices obtained from suppliers must be maintained by the applicant in its records until tax imposed under Chapter 206, F.S., may no longer be determined and assessed under Section 95.091, F.S.~~

3. ~~Form DR-309660 must be filed for each calendar quarter no later than the last day of the first month following the quarter for which the refund is claimed. The filing date may be extended one additional month from the due date of Form DR-309660 when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's application for refund was timely submitted to the Department.~~

4. ~~Amended applications for the prior calendar quarter must be received by the Department by the current calendar quarter's deadline.~~

5. ~~No refund will be authorized for a tax refund of less than \$5 for a refund period.~~

(b) ~~Any licensee that licensees who produces, imports, or purchases solvents or on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and who consume these solvents in the manufacture or production of a product which is not a pollutant, may take credit or request a refund of the tax paid on the solvent under the Water Quality Assurance Trust Fund, as provided in paragraph (a).~~

(c) Any licensee who has purchased petroleum products on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and the Tax for Inland Protection Trust Fund, and who subsequently exports said products from the state or bunkers petroleum products into marine vessels engaged in interstate or foreign commerce, may apply for a refund of the tax paid on the petroleum product under the Water Quality Assurance Trust Fund and the Inland Protection Trust Fund, as provided in paragraph (a). Any licensees who produce, import, or purchase solvents on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and who consume, blend, or mix these solvents to produce a pollutant, which is subject to the tax under the Water Quality Assurance Trust Fund may take credit or apply for a refund of the tax paid on the solvent or under the Water Quality Assurance Trust Fund. The credit or refund shall not exceed the amount of the tax owed for the pollutant.

(d) Any licensee who has produced, imported, or purchased pollutants on which the tax has been paid to the State or supplier and who subsequently exports from the state said pollutants or products containing said pollutants may apply for a refund of the tax paid on the pollutant under the Water Quality Assurance Trust Fund, as provided in paragraph (a).

(e) Any person licensed pursuant to Chapter 206, F.S., that is eligible for a refund pursuant to Section 206.9942, F.S., may, in lieu of applying for a refund, take a credit on the monthly Pollutants Tax Return (Form DR-904). The credit may not exceed the tax imposed on those gallons which would otherwise be eligible for refund. Any request for a credit shall be supported by a charge ticket, sales slip, invoice, or other tangible evidence of the sale showing the tax was paid to the State or supplier; applicable export schedules, and shipping and delivery documents.

Specific Authority 206.14(1), 206.59(1), 213.06(1) F.S. Law Implemented 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943, FS. History—New 11-21-96, Amended 10-27-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynwood Taylor, Tax Law Specialist, and Ronald Gay, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4725

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed changes to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative

Fuels, Aviation Fuels, and Pollutants), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2254-2279). A rule development workshop was held on June 24, 2003, and comments were received. In response to comments received by the Department, changes were made by the Department to the following proposed rules and forms: Rule 12B-5.130, F.A.C. (Refunds); Rule 12B-5.150, F.A.C. (Public Use Forms); Rule 12B-5.400, F.A.C. (Producers and Importers of Pollutants); and Form DR-309660 (Application for Pollutant Tax Refund). A second rule development workshop was noticed in the Florida Administrative Weekly on July 8, 2005 (Vol. 31, No. 27, pp. 2424-2449). The second rule development workshop was held on July 27, 2005, and comments were received. In response, changes were made by the Department to proposed Rule 12B-5.020, F.A.C. (Definitions), proposed Rule 12B-5.140, F.A.C. (Dyeing and Marking; Mixing), and proposed Rule 12B-5.150, F.A.C. (Public Use Forms).

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

RULE TITLE: Public Use Forms  
 RULE NO.: 12B-7.031  
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the Miami-Dade County Lake Belt mitigation fee.

SUMMARY: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to Form DR-146, Miami-Dade County Lake Belt Mitigation Fee Return; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 213.06(1), 373.41492(4)(b) FS.  
 LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the

Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) Copies of this form and instructions are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy 2) faxing the Distribution Center at (850)922-2208; or, 3) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 4) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. <u>01/05</u> <del>11/04</del> )	<u>06/05</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4121-4122). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Premium Tax; Rate and Computation	12B-8.001
Insurance Policy Surcharge; Rate and Computation	12B-8.0012
Tax Statement; Overpayments	12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to implement the changes to Section 288.99(11), F.S., as amended by Chapter 2005-91, L.O.F., regarding the transfer of certified capital company (CAPCO) credits.

The purpose of the proposed amendments to Rule 12B-8.0012, F.A.C. (Insurance Policy Surcharge; Rate and Computation), is to implement the changes to Section 252.372, F.S., as amended by Chapter 2005-280, L.O.F., regarding the collection and remission of the surcharge by surplus lines companies and surplus lines agents for policies issued on or after January 1, 2006.

The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), add provisions necessary to facilitate the transfer of certified capital company (CAPCO) credits required under Section 288.99(11), F.S., as amended by Chapter 2005-91, L.O.F.

The proposed amendments to Rule 12B-8.0012, F.A.C. (Insurance Policy Surcharge; Rate and Computation), implement the changes to Section 252.372, F.S., as amended by Chapter 2005-280, L.O.F., by removing language relating to the collection and remission of the surcharge by surplus lines companies and surplus lines agents. The surcharges on surplus



lines policies and independently procured policies will be remitted to the Florida Surplus Lines Office for policies issued on or after January 1, 2006.

The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments): (1) adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS., Ch. 93-128, L.O.F.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 288.99(11), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS., Ch. 93-128, L.O.F.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) through (2) No change.

(3) Credits Against the Tax.

(a) through (d) No change.

(e) Certified Capital Company (CAPCO) Credit.

1. Who May Claim the Credit. Any certified investor who made an investment of certified capital in a CAPCO and earned a CAPCO credit under Section 288.99, F.S., is entitled to use no more than 10 percent of the CAPCO credit, including any carryover CAPCO credits, per year beginning with the insurance premium tax (IPT) return for calendar year 2000.

2. Carryovers of CAPCO Credit. Any CAPCO credits not used by a certified investor in any single year may be carried forward and applied against the premium tax liabilities of such investor for subsequent calendar years. The IPT return for calendar year 2010 is the first return on which a certified investor or a transferee of a certified investor's unused CAPCO credit may use carryover CAPCO credits.

3. Transfer/Sale of CAPCO Credit. Effective May 26, 2005, CAPCO credits may be sold. A transfer or sale of a CAPCO credit will not affect the time schedule for taking the CAPCO credit. The claim of a transferee of a certified investor's unused CAPCO credit is permitted in the same manner and subject to the same provisions and limitations as the original certified investor. Transfers or sales of a current year CAPCO credit (the amount of CAPCO credit available to be claimed in the current tax year), future year CAPCO credits (the amount of CAPCO credit available to be claimed in future years – excluding carryover CAPCO credits), and CAPCO credit carryovers (the amount of CAPCO credit carried over from prior years where the current year CAPCO credit at that time was not fully used) are allowed.

a.(I) When current year CAPCO credits, future year CAPCO credits or carryover CAPCO credits are transferred in whole or in part, written notification of such action must be provided to the Department of Revenue, Return Reconciliation Process, Insurance Premium Tax, 5050 W. Tennessee St., Bldg. F-3, Tallahassee, FL 32399-0100. This notification must be made at the earlier of within 30 days of such action, or within 30 days of when such IPT return on which such CAPCO credits could initially be claimed is due. The notification is required to contain the name and federal identification number of the original CAPCO investor, the name and federal identification number of the seller (if different from the original CAPCO investor), the name and federal identification number of the purchaser, the amount and type of CAPCO credit being transferred/sold, and a schedule tracking the amount of CAPCO credit granted the original investor and the use of such CAPCO credit through the date of transfer/sale.

(II) Transfer/sale of Future Year and Carryover CAPCO Credit Example. Insurer Z made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer Z may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In 2000, 2001, 2002, 2003, and 2004, Insurer Z used CAPCO credits of \$100,000, \$100,000, \$100,000, \$75,000, and \$30,000,

respectively. Insurer Z did not transfer any of its 2000, 2001, 2002, 2003, or 2004 current year CAPCO credits, as it had no affiliates. Insurer Z had a carryover CAPCO credit of \$95,000 (\$25,000 from 2003 and \$70,000 from 2004), which could be used by Insurer Z on its 2010 IPT return. On December 1, 2005, Insurer Z sells all of its remaining CAPCO credits and carryover credits, including its 2005 current year CAPCO credit, to Insurer M. By the earlier of December 31, 2005, or January 31, 2006, Insurer Z sent a letter to the Department of Revenue stating that it sold all of its CAPCO credits to Insurer M. The letter included the federal identification numbers of Insurer Z and Insurer M. The letter also included a breakdown of how insurer Z used its CAPCO credits from 2000 to 2004 (\$405,000 of CAPCO credits used by Insurer Z – \$100,000 used on its 2000 IPT year, \$100,000 used on its 2001 IPT year, \$100,000 used on its 2002 IPT year, \$75,000 used on its 2003 IPT year, and \$30,000 used on its 2004 IPT year) and a recap of the amount of CAPCO credits sold (CAPCO credits of \$100,000 per year for IPT years 2005 through 2009 and a \$95,000 CAPCO credit carryover available for the 2010 IPT year for a total of \$595,000). Insurer M started claiming CAPCO credits beginning with its 2005 IPT return. Insurer M will include a statement with each of its IPT returns on which it is claiming a CAPCO credit that it purchased its CAPCO credit from Insurer Z on December 1, 2005.

b.(I) Instead of fulfilling the requirements of sub-subparagraph a., when a certified investor transfers in whole or in part current year CAPCO credits to an affiliate of the certified investor, the certified investor and the affiliate(s) to whom the current year CAPCO credit transfer was made are required to prepare a schedule reconciling how the certified investor's current year CAPCO credit was utilized and attach a copy of that schedule to the current year IPT returns of the certified investor and affiliate(s) to whom an allocation of current year CAPCO credit was made. The schedule must include the name, federal identification number, and amount of CAPCO credit claimed by each entity. In addition, the certified investor must attach a copy of the certification letter it received from the certified capital investment company to its IPT return.

(II) Transfer of Current Year CAPCO Credit Example. Insurer A made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer A may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In the 2005 IPT year, Insurer A transferred \$20,000 of its \$100,000 current year CAPCO credit to its subsidiary, Insurer B. On their 2005 IPT returns, Insurer A claimed a CAPCO credit of \$80,000 and Insurer B claimed a CAPCO credit of \$20,000. Both insurers attached a schedule reconciling the use of Insurer A's \$100,000 current year CAPCO credit. The reconciliation schedule included Insurer A's and Insurer B's names, federal identification numbers, and

the amount of CAPCO credit claimed by each insurer. In addition, Insurer A attached a copy of its CAPCO credit certification letter to its 2005 IPT return.

4. Recordkeeping Requirements. Every certified investor and transferee claiming a CAPCO credit must retain a copy of the certification letter received from the certified capital investment company and a schedule reconciling all credit carryovers, transfers, and sales for as long as the contents are material for administrative purposes. The retention of records is generally controlled by Section 213.35, F.S., which requires records to be kept until the expiration of time for the Department of Revenue to make an assessment under Section 95.091(3), F.S.

(4) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 288.99(11), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01, 8-1-02, \_\_\_\_\_.

12B-8.0012 Insurance Policy Surcharge; Rate and Computation.

(1) Every insurer, ~~including surplus lines and surplus lines agents,~~ must collect a surcharge of \$2 and \$4 from the policyholders of certain types of property insurance issued or renewed on or after May 1, 1993. The proceeds will be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund.

(2) through (7) No change.

~~(8) The surcharge on surplus lines policies must be remitted by the surplus lines agents, unless the surplus lines insurer collects and remits the surcharge, and must be remitted on Form DR 907 and Form DR 908. The surcharge is required to be remitted by the surplus lines agent for only the surplus lines policies. The authorized insurer is required to collect and remit the surcharge for all other policies. The \$250 quarterly and annual filing fees do not apply to either the surplus lines agent or the surplus lines insurer.~~

~~(9) The insurance premium tax on surplus lines will continue to be remitted to the Department of Insurance as required.~~

(10) through (11) renumbered (8) through (9) No change.

~~(10)(12) The first installment on the surcharge was due June 15, 1993, for May and June with the subsequent installment due on October 15 for the calendar quarter ending September 30. A separate line denoting the surcharge is provided on the revised Form DR-907 and the revised Form DR-908, annual return, which is due by March 1.~~

(13) through (16) renumbered (11) through (14) No change.

Specific Authority 213.06(1) FS., Ch. 93-128, L.O.F. Law Implemented 624.5092 FS., Ch. 93-128, L.O.F. History—New 6-16-94, Amended \_\_\_\_\_.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <del>2005</del> <del>2004</del> (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(7) DR-350900	<del>2005</del> <del>2004</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12B-8, F.A.C. (Insurance Premium Taxes, Fees and Surcharges), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4122-4125). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department. A technical change to sub-sub-subparagraph (3)(e)3.a.(II) of proposed Rule 12B-8.001, F.A.C., was made by the Department.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE TITLES: Enterprise Zone Program Forms

RULE NOS.: 12C-1.0188 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program), is to implement the changes to the corporate income tax enterprise zone jobs credit provided in Sections 23, 25, and 30, Chapter 2005-287, L.O.F.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax and franchise tax.

SUMMARY: The proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program): (1) remove provisions regarding obsolete Form F-1157Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax; (2) implement the changes to the corporate income tax enterprise zone jobs credit provided in Sections 23, 25, and 30, Chapter 2005-287, L.O.F., for employees hired on or after January 1, 2006; and (3) update information on how to obtain forms regarding the corporate income tax enterprise zone jobs credit.

The proposed amendments to Rule 12C-1.051, F.A.C. (Forms): (1) adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax and franchise tax; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 290.0055, 290.0065, 290.009(1) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.0188 Enterprise Zone Program.

(1) Corporate Income Tax – Enterprise Zone Jobs Credit.

(a) How to Claim the Credit. Subsection 220.181(2), F.S., requires that an application, which includes the information stated in that subsection, be filed with the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

~~(b)1. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or before October 1, 2001, must use Form F-1157Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount.~~

~~Form F-1157Z requires the signature of an officer, under oath, duly authorized to sign. The F-1157Z must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.~~

~~1.2. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or after January 1, 2006 October 1, 2001, must use Form F-1156Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax-Effective January 1, 2006 2002 (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1156Z requires the signature of an officer, under oath, duly authorized to sign. The F-1156Z must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.~~

~~2.3. A copy of the certified F-1157 and F-1156Z must be forwarded to the Florida Department of Revenue, General Tax Administration, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, by the Enterprise Zone Development Agency.~~

(2) through (3) No change.

(4) The forms referenced in this rule section are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. These forms may also be obtained from the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

(5) Questions relating to enterprise zones created on January 1, 2006 July 1, 1995, should be directed to:

Executive Office of the Governor  
Office of Tourism, Trade, and Economic Development  
The Capitol  
Tallahassee, Florida 32399-0001.

Specific Authority 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS. Law Implemented 213.05, 213.35, 220.03(1), 220.131, 220.181, 220.182, 220.183, 220.44, 290.0055, 290.0065, 290.009(1) FS. History—New 1-3-96, Amended 8-1-02,\_\_\_\_\_.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of this form may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2)	No change.	
(3) F-851	Corporate Income/ Franchise and Emergency Excise Tax Affiliation Schedule (R. <del>01/06</del> <del>01/01</del> )	<u>08/02</u>
(4)(a) F-1065	Florida Partnership Information Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(b) F-1120N	F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <del>2005</del> <del>2004</del> (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>

(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax for Taxable Year Beginning on or after January 1, <del>2006</del> <del>2005</del> (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>
(8)(a) F-1120X	Amended Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <del>01/06</del> <del>01/04</del> )	<u>09/04</u>
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <del>01/06</del> <del>01/04</del> )	<u>09/04</u>
(9) F-1122	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return (R. <del>01/06</del> <del>01/01</del> )	<u>08/02</u>
(10)(a) F-1156Z	Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax – Effective January 1, <del>2006</del> <del>2002</del> (R. <del>01/06</del> <del>N. 01/02</del> )	<u>08/02</u>
(b) F-1156ZN	Instructions for Completing Form F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax – Effective January 1, <del>2006</del> <del>2002</del> (R. <del>01/06</del> <del>01/03</del> )	<u>06/03</u>
(11) F-1157Z	<del>Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. 01/03)</del>	<del>06/01</del>
(12) through (16)	renumbered (11) through (15) No change.	
(16)(17) F-7004	Florida Tentative Income/ Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. <del>01/06</del> <del>01/05</del> )	<u>06/05</u>

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-1, F.A.C. (Corporate Income Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4125-4126). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**  
**Corporate, Estate and Intangible Tax**

RULE TITLE: Public Use Forms

RULE NO.: 12C-2.0115

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the intangible personal property tax.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to the forms used by the Department in the administration of the intangible personal property tax; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

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) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-601-C	<u>2006</u> <del>2005</del> Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2006</u> <del>2005</del> (R. <u>01/06</u> <del>01/05</del> )	_____ <u>06/05</u>

(3) DR-601CN	2006 <del>2005</del> Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(4) DR-601CS	2006 <del>2005</del> Schedules B, C, D, and E for use with DR-601C (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(5) DR-601-G	Government Leasehold Intangible Personal Property Tax Return for <del>2006 2005</del> Tax Year (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(6) DR-601-I	2006 <del>2005</del> Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, <del>2006 2005</del> (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(7) DR-601IN	2006 <del>2005</del> Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(8) DR-601IS	2006 <del>2005</del> Schedules B, C, D, and E for use with DR-601I (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(9) through (11)	No change.
(12) DR-350617	Application for Exclusion from Filing Stockbroker Position Statement (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(13) DR-350618	Stockbroker Instructions and Specifications for Reporting Information on Magnetic Media for Year Ending <del>12/31/05 12/31/04</del> (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(14) DR-350619	Stockbroker Filing Magnetic Media Transmittal (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>
(15) DR-350620	Stockbroker Information Report (R. <u>01/06</u> <del>01/05</del> ) _____ <del>06/05</del>

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4127-4128). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Tangible Tax**

RULE TITLE: Public Use Forms  
 RULE NO.: 12C-3.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the Florida estate tax.

SUMMARY: The proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of the Florida estate tax; and (2) update information on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 198.08, 213.06(1) FS.

LAW IMPLEMENTED: 198.08 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 6, 2006

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading these forms from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site stated in the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-301	Preliminary Notice and Report (R. <del>07/05 09/04</del> )	_____ 05/03
(3) DR-308	Request and Certificate for Waiver and Release of Florida Estate Tax Lien (R. <del>07/05 09/04</del> )	_____ 05/03
(4) No change.		
(5) DR-312	Affidavit of No Florida Estate Tax Due <del>(for</del> decedents dying on or after January 1, 2000) (R. <del>07/05 08/02</del> )	_____ 05/03
(6) F-706	Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. <del>07/05 04/03</del> )	_____ 05/03

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.08 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-3, F.A.C. (Estate Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on November 10, 2005 (Vol. 31, No. 45, pp. 4128-4129). A rule development workshop was held on November 30, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**FLORIDA PAROLE COMMISSION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Interstate Compact for Parole and Probation Supervision	23-4
RULE TITLES:	RULE NOS.:
Purpose	23-4.001
Required	23-4.002
Basic Procedures	23-4.003
General Rule	23-4.004
Agreement	23-4.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate Commission rules on Interstate Compact supervision for which the Florida Parole Commission no longer has responsibility.

SUMMARY: Elimination of Chapter 23-4, F.A.C., on interstate compact supervision of adult probationers, parolees, and conditional releases.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.



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

SPECIFIC AUTHORITY: 949.07 FS.

LAW IMPLEMENTED: 949.08 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Schwartz, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULES IS:

23-4.001 Purpose.

Specific Authority 949.07 FS. Law Implemented 949.08 FS. History—Chapter 20519, 1941, Amended 10-20-73, Readopted 10-26-75 Formerly 23-4.01, Repealed \_\_\_\_\_.

23-4.002 Required.

Specific Authority 949.07 FS. Law Implemented 949.08 FS. History—Chapter 20519, 1941, Readopted 10-26-75 Formerly 23-4.02, Repealed \_\_\_\_\_.

23-4.003 Basic Procedures.

Specific Authority 949.07 FS. Law Implemented 949.08 FS. History—Chapter 20519, 1941, Readopted 10-26-75 Formerly 23-4.03, Repealed \_\_\_\_\_.

23-4.004 General Rule.

Specific Authority 949.07 FS. Law Implemented 949.08 FS. History—Chapter 20519, 1941, Readopted 10-26-75 Formerly 23-4.04, Repealed \_\_\_\_\_.

23-4.005 Agreement.

Specific Authority 949.07 FS. Law Implemented 949.08 FS. History—Chapter 20519, 1941, Readopted 10-26-75 Formerly 23-4.05, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frederick B. Dunphy, Vice-Chairman, Florida Parole Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: By vote of the Florida Parole Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2005

FLORIDA PAROLE COMMISSION

RULE TITLES:	RULE NOS.:
Removal or Termination of Senior Management or Selected Exempt Service Employees	23-15.026
Standards of Conduct and Standards for Disciplinary Action for Career Service Employees	23-15.030
Commissioner Leave Time Held in Abeyance	23-15.031
Florida Clean Indoor Air Act	23-15.055

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate Commission rules on employment matters which are lacking in statutory authority or are provided for by model rules within the Department of Management Services.

SUMMARY: Elimination of rules on Commission employee matters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 110.201, 947.07 FS.

LAW IMPLEMENTED: 110.201 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Schwartz, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULES IS:

23-15.026 Removal or Termination of Senior Management or Selected Exempt Service Employees.

Specific Authority 947.07 FS. Law Implemented 947.04 FS. History—New 3-2-94, Repealed \_\_\_\_\_.

23-15.030 Standards of Conduct and Standards for Disciplinary Action for Career Service Employees.

Specific Authority 110.201, 947.07 FS. Law Implemented 110.227 FS. History—New 8-1-83, Formerly 23-15.30, Amended 9-10-87, 1-5-94, Repealed \_\_\_\_\_.

23-15.031 Commissioner Leave Time Held in Abeyance.

Specific Authority 110, Part III FS. Law Implemented Chapter 110, Part III FS. History – New 1-26-93, Repealed \_\_\_\_\_.

23-15.055 Florida Clean Indoor Air Act.

Specific Authority 947.07 FS. Law Implemented 386.205, 386.206, 386.207 FS. History – New 1-26-93, Amended 1-5-94, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frederick B. Dunphy, Vice-Chairman, Florida Parole Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: By vote of the Florida Parole Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2005

**FLORIDA PAROLE COMMISSION**

RULE TITLE: Offense Severity Ranking  
 RULE NO.: 23-19.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate a repetitive rule contained in Chapter 23-21.008, F.A.C.

SUMMARY: Elimination of Rule 23-19.001 on offense severity rating provided for in another Commission rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 947.165 FS.

LAW IMPLEMENTED: 947.165 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Schwartz, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450

THE FULL TEXT OF THE PROPOSED RULE IS:

23-19.001 Offense Severity Ranking.

Specific Authority 120.53, 947.165, 947.071, 947.07 FS. Law Implemented 947.002, 947.165 FS. History-New 3-20-79, Amended 6-25-79, 8-22-79, 5-20-80, 7-22-81, 9-10-81, Formerly 23-19.01, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frederick B. Dunphy, Vice-Chairman, Florida Parole Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: By vote of the Florida Parole Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Care of Inmates  
 RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide uniformity in inmate dress requirements by clarifying when the wearing of athletic shorts outside the housing unit is permissible.

SUMMARY: The proposed rule allows inmates to wear athletic shorts outside the housing unit only when on the recreation yard or moving to and from the yard, or to the canteen when going to the canteen directly from the yard.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.

(a) through (i) No change.

(j) Inmates shall not wear athletic shorts authorized for possession and purchase through the institutional canteen outside their assigned housing units except as authorized below:

1. Inmates shall be allowed to wear athletic shorts on the recreation yard and for movement to and from the recreation yard:

2. Inmates shall be allowed to wear athletic shorts to the inmate canteen only in those cases where inmates are allowed to go to the inmate canteen directly from the recreation yard.

(3) through (10) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09 FS. History-New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions – Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Administrative Confinement  
 RULE NO.: 33-602.220

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from form DC4-650, Observation Checklist.



Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.						
Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a)-(h) No change.						
(i) In Highlands County Within the Peace River Basin <b>RESERVED</b>	June in Winter, Lake S-34, T-36S, R-29E	75.5	74.7	74.5 (CAT 3)	74.0 (CAT 3)	73.2
(j)-(k) No change.						
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27, R-17	42.4'	40.9'	40.9' (CAT 2)	39.9' (CAT 2)	38.8'
	Allen, Lake S-10, T-27S, R-18E	63.1'	61.8'	61.8' (CAT 1)	60.7' (CAT 1)	59.7'
	Barbara, Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Bird Lake S-26, T-27, R-18	53.0'	49.6'	49.6' (CAT 2)	48.6' (CAT 2)	47.5'
	Brant Lake S-23, T-27, R-18	60.5'	58.0'	58.0' (CAT 2)	57.0' (CAT 2)	55.9'
	Calm Lake S-14, T-27, R-17	51.02'	49.41'	49.41' (CAT 3)	48.41' (CAT 3)	47.31'
	Charles, Lake S-23, T27, R-18	56.2'	54.2'	53.8' (CAT 1)	52.4' (CAT 1)	52.1'
	Church Lake S-28, T-27, R-17	36.74'	35.64'	35.64' (CAT 3)	34.64' (CAT 3)	33.54'
	Crenshaw, Lake S-22, T-27, R-18	57.64'	55.5'	54.45' (CAT 3)	53.45' (CAT 3)	53.4'
	Crescent Lake S-10, T-27S, R-17E	43.4'	41.9'	41.3' (CAT 3)	40.3' (CAT 3)	39.8'
	Crystal Lake S-14, T-27, R-18	62.1'	59.8'	59.8' (CAT 2)	58.8' (CAT 2)	57.7'
	Cypress Lake S-24, T-27, R-17	50.86'	48.89'	48.89' (CAT 3)	47.89' (CAT 3)	46.79'
	Dan, Lake S-6, T-27, R-17	34.9'	32.5'	31.9' (CAT 3)	30.9' (CAT 3)	30.4'
	Deer Lake S-1, T-27, R-18	70.0'	66.5'	66.5' (CAT 2)	65.5' (CAT 2)	64.4'
	Dosson Lake S-20, T-27, R-18	55.1'	53.4'	53.4' (CAT 2)	52.4' (CAT 2)	51.3'
	Echo Lake S-28, T-27, R-17	36.74'	35.64'	35.64' (CAT 3)	34.64' (CAT 3)	33.54'
	Ellen, Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Fairy (Maurine) Lake S-34, T-27, R-17	34.51'	33.41'	33.41' (CAT 3)	32.41' (CAT 3)	31.31'
	Garden Lake S-17, T-27, R-17	33.9'	31.5'	30.5' (CAT 3)	29.5' (CAT 3)	29.4'
	Halfmoon Lake S-31, T-27, R-18	45.07'	43.3'	43.3' (CAT 2)	42.3' (CAT 2)	41.2'
	Harvey, Lake S-3, T-27S, R-18E	63.1'	61.8'	61.8' (CAT 1)	60.7' (CAT 1)	59.7'
	Helen, Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Hobbs, Lake S-1, T-27, R-18	67.75'	65.46'	65.46' (CAT 2)	64.46' (CAT 2)	63.36'

	Horse Lake S-26, T-27, R-17	48.9'	46.9'	45.8' (CAT 3)	44.8' (CAT 3)	44.8'
	Jackson, Lake S-17, T-27, R-17	34.7'	33.0'	33.0' (CAT 2)	32.0' (CAT 2)	30.9'
	Juanita, Lake S-22, T-27, R-17	43.8'	41.7'	41.7' (CAT 2)	40.7' (CAT 2)	39.6"
	Little Moon Lake S-28, T-27, R-17	40.8'	39.1'	39.1' (CAT 2)	38.1' (CAT 2)	37.0'
	Merrywater, Lake S-22, T-27, R-18	58.0'	55.8'	55.8' (CAT 2)	54.8' (CAT 2)	53.7'
	Mound Lake S-11, T-27, R-17	51.8'	50.2'	50.7' (CAT 1)	49.3' (CAT 1)	48.3'
	Platt Lake S-35, T-27, R-18	52.0'	49.7'	49.5' (CAT 1)	48.1' (CAT 1)	45.5'
	Pretty Lake S-26, T-27S, R-17E	45.8	44.3	43.9 (CAT 1)	42.5 (CAT 1)	42.2
	Ranbow Lake S-22, T-27, R-17	40.8'	39.1'	39.1' (CAT 2)	38.1' (CAT 2)	37.0'
	Raleigh, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
	Reinheimer, Lake S-15, T27, R-18	60.8'	58.6'	58.9' (CAT 1)	57.5' (CAT 1)	56.5'
	Rogers, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
	Round Lake S-22, T-27, R-18	56.49'	55.6'	54.5' (CAT 3)	53.5' (CAT 3)	53.5'
	Saddleback Lake S-22, T-27, R-18	56.11'	54.58'	54.58' (CAT 2)	53.58' (CAT 2)	52.48'
	Sapphire Lake S-14, T-27, R-18	64.1'	63.4'	63.0' (CAT 1)	61.6' (CAT 1)	61.3'
	Starvation Lake S-21, T-27, R-18	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
	Strawberry (North Crystal) Lake S-14, T-27, R-18	62.0'	60.1'	60.1' (CAT 3)	59.1' (CAT 3)	58.0'
	Sunset Lake S-17, T-27, R-17	35.0'	34.8'	34.4' (CAT 1)	33.0' (CAT 1)	32.7'
	Sunshine Lake S-20, T-27, R-18	55.1'	53.4'	53.4' (CAT 2)	52.4' (CAT 2)	51.3'
	Taylor, Lake S-16, T-27S, R-17E	40.1	38.2	38.2 (CAT 2)	37.2 (CAT 2)	36.1
	Virginia, Lake S-3, T27S, R-18E	63.1	61.8	61.8 (CAT 1)	60.7 (CAT 1)	59.7
(m)-(y) No change.						
<u>(z) In Polk County</u> <u>Within the Peace</u> <u>River Basin</u> <u>RESERVED</u>	<u>Parker, Lake</u> <u>S-8, T-28S, R-24E</u>	<u>131.8</u>	<u>130.6</u>	<u>130.6</u> <u>(CAT 3)</u>	<u>129.6</u> <u>(CAT 3)</u>	<u>129.0</u>
(aa)-(cc) No change.						

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

Location of Impoundment by County and Basin	Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a)-(h) No change.				
(i) In Highlands County Within the Peace River Basin LAKES SecTwsp Rng				
Adelaide, Lake 5 33S 28E	110.00'	106.50'	104.00'	102.50'
Angelo, Lake 4 27S 25E	104.00'	99.50'	97.00'	95.00'
Anoka, Lake 27 33S 28E	124.00'	124.00'	122.00'	120.00'
Apthhorpe, Lake 18 36S 30E	72.00'	71.50'	68.00'	66.00'
Blue, Lake 30 36S 30E	78.70'	77.50'	75.00'	73.50'
Bonnet, Lake 8 34S 29E	91.90'	90.75'	88.00'	86.00'
Brentwood, Lake 10 33S 28E	102.30'	102.75'	99.50'	98.00'
Buck, Lake 29 37S 30E	96.40'	94.00'	91.50'	89.50'
Byrd, Lake 9 33S 28E	110.60'	108.25'	105.50'	104.00'
Carrie, Lake 21 36S 29E	75.13'	75.50'	73.00'	72.50'
Charlotte, Lake 17 35S 29E	93.90'	93.75'	91.25'	89.75'
Chilton, Lake 7 33S 28E	116.30'	114.00'	111.00'	109.50'
Clay, Lake 29 36S 30E	79.00'	78.75'	76.00'	75.00'
Crews, Lake 32 36S 29E	120.50'	119.50'	117.00'	115.50'
Damon, Lake 3 33S 28E	102.30'	101.00'	98.00'	95.00'
Denton, Lake 2 34S 28E	117.10'	116.50'	114.00'	112.00'
Dinner, Lake 17 34S 29E	103.50'	102.50'	98.50'	97.00'
Francis, Lake 22 36S 29E	70.80'	70.50'	67.50'	66.50'
Glenada, Lake 34 33S 28E	118.40'	120.00'	117.00'	115.50'
Grassy, Lake 17 37S 30E	92.10'	91.50'	88.50'	87.50'
Harry, Lake 1 36S 29E	67.60'	67.50'	63.00'	62.00'
Henry, Lake 25 36S 29E	75.13'	75.50'	73.00'	72.50'
Hill, Lake 17 36S 29E	101.00'	99.25'	96.00'	94.50'
Huckleberry Lake 7 35S 29E	104.80'	104.50'	102.00'	101.00'

Huntley, Lake 5 37S 30E	83.40'	83.75'	81.00'	79.50'
Jackson, Lake 30 34S 29E	103.20'	103.00'	100.00'	98.00'
Josephine, Lake 32 35S 29E	72.70'	72.50'	69.00'	68.50'
<del>June in Winter, Lake 34 36S 29E</del>	<del>75.13'</del>	<del>75.50'</del>	<del>73.00'</del>	<del>72.50'</del>
Lake Lachard 36 36S 29E	79.56'	78.50'	76.00'	74.00'
Lelia, Lake 34 33S 29E	113.00'	114.50'	112.50'	110.50'
Letta, Lake 31 33S 29E	100.00'	100.00'	97.00'	95.00'
Little Bonnet Lake 36 33S 28E	101.70'	100.00'	97.00'	96.00'
Little Lake Jackson 6 35S 29E	103.20'	103.00'	100.00'	98.00'
Little Red Water Lake 14 36S 29E	104.10'	103.25'	100.50'	98.50'
Lost Lake 12 37S 29E	90.60'	88.00'	84.00'	82.75'
Lotela, Lake 26 33S 28E	106.60'	108.50'	105.00'	104.00'
McCoy, Lake 6 37S 30E	87.39'	87.00'	84.00'	82.00'
Mirror, Lake 7 37S 30E	94.70'	93.50'	90.00'	88.00'
Center Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie N.W., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie S.E., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Olivia, Lake 6 33S 28E	118.10'	117.50'	114.50'	113.00'
Pearl, Lake 6 37S 30E	87.27'	87.00'	84.00'	82.00'
Persimmon Lake 10 36S 29E	69.30'	68.25'	65.00'	63.50'
Pioneer, Lake 11 33S 28E	108.60'	108.00'	104.50'	103.00'
Placid, Lake 30 36S 30E	94.70'	94.50'	91.50'	90.00'
Pythias, Lake 2 33S 28E	101.20'	101.00'	98.00'	95.00'
Red Beach Lake 15 35S 29E	76.80'	76.50'	73.75'	72.75'
Red Water Lake 14 36S 29E	70.80'	70.50'	67.50'	66.50'
Ruth, Lake 18 35S 29E	94.20'	94.00'	91.50'	90.00'
Saddlebags, Lake 6 37S 30E	84.27'	84.00'	81.00'	79.00'
Sebring, Lake 14 34S 28E	107.60'	107.25'	104.50'	103.00'
Simmons, Lake 24 36S 29E	74.30'	72.50'	68.00'	66.50'
Sirena, Lake 1 37S 29E	87.27'	87.00'	84.00'	82.00'
Trout Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Tulane, Lake 27 33S 28E	120.50'	120.00'	116.00'	114.00'

Unnamed Lake (B) 20 37S 30E	92.10'	91.50'	88.50'	87.50'
Unnamed Lake (F) 24 36S 29E	78.50'	78.00'	74.00'	72.00'
Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'
Viola, Lake 14 33S 28E	112.20'	109.50'	105.75'	104.00'
Wolf Lake 24 35S 28E	93.80'	92.50'	90.00'	88.00'
(j)-(k) No change .				
(l) In Hillsborough County Within the Northwest Hillsborough Basin LAKES Sec Twsp Rng				
SWEETWATER CREEK WATERSHED				
Avis Lake 15 28S 18E	38.50'	37.00'	34.50'	32.50'
Bay Lake	47.00'	46.75'	44.00'	42.50'
Boat Lake	38.00'	35.50'	33.75'	31.25'
Brooker Lake	66.00'	64.25'	61.00'	59.00'
Carroll Lake	38.50'	37.00'	34.50'	32.50'
Chapman Lake	52.30'	52.25'	49.50'	48.00'
Cooper, Lake	64.00'	61.75'	59.75'	57.00'
Elaine, Lake 15 28S 18E	38.50'	37.00'	34.50'	32.50'
Gass Lake	51.50'	49.50'	46.25'	44.50'
George, Lake	51.00'	48.00'	45.00'	42.00'
Geraci, Lake	65.00'	63.50'	61.50'	59.50'
Halls Lake 3 28S 18E	50.70'	50.00'	47.50'	46.00'
Lipsey, Lake	42.50'	41.50'	39.00'	37.00'
Magdalene, Lake	50.70'	50.00'	47.50'	46.00'
Thomas, Lake	64.00'	63.50'	61.25'	59.25'
Twin Lake	34.00'	32.00'	30.00'	27.75'
White Trout Lake	38.50'	36.50'	34.00'	32.50'
ROCKY CREEK WATERSHED				
Allen, Lake	<del>62.60'</del>	<del>62.50'</del>	<del>59.75'</del>	<del>57.50'</del>
Armistead, Lake	46.50'	44.00'	40.50'	39.00'
Browns Lake	63.70'	63.50'	60.75'	59.00'
<del>Harvey, Lake</del>	<del>62.90'</del>	<del>62.50'</del>	<del>60.25'</del>	<del>58.00'</del>
Josephine, Lake	47.50'	46.00'	42.75'	40.00'
LeClare, Lake	53.50'	52.00'	49.50'	47.00'
Rock Lake	48.00'	46.00'	42.75'	40.00'
Starvation Lake	55.00'	53.00'	50.00'	48.00'
Turkey Ford Lake	55.00'	54.00'	51.50'	50.00'
<del>Virginia Lake</del>	<del>63.00'</del>	<del>62.50'</del>	<del>60.25'</del>	<del>58.00'</del>
DOUBLEBRANCH CREEK WATERSHED				
Hixon Lake	37.00'	36.50'	33.25'	31.00'
Unnamed Lake #1 2 28S 17E	38.90'	37.50'	35.00'	34.50'
Unnamed Lake #2 2 28S 17E	38.90'	37.50'	35.00'	34.50'



BROOKER CREEK WATERSHED				
Artillery, Lake 3 27S 17E	44.50'	44.00'	40.50'	39.00'
Buck Lake	35.50'	35.00'	32.00'	29.50'
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Island Ford Lake	42.30'	41.50'	39.00'	37.00'
James Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake	NO LEVELS RECOMMENDED			
Velburton Lake	41.50'	40.00'	37.25'	35.00'
ANCLOTE RIVER WATERSHED				
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'
(m)-(y) No change.				
(z) In Polk County Within the Peace River Basin				
Ada, Lake S33 T28 R27	123.80'	123.00'	120.00'	118.00'
Altamaha, Lake S11 T30 R27	122.60'	122.50'	120.00'	118.00'
Amoret Lake 24 30 27	115.50'	115.25'	113.00'	111.00'
Annie, Lake S3 T29S R27E	122.10'	119.00'	116.00'	114.00'
Arianna, Lake 3 28 25E	137.10'	137.00'	134.50'	132.50'
Aurora, Lake 13 30 28	103.30'	100.00'	97.00'	95.00'
Banana, Lake 10 29 24E	106.75'	106.50'	103.50'	102.00'
Belle, Lake 11 30 27	123.60'	120.00'	117.00'	115.00'
Bess, Lake 18 29S 27E	125.50'	125.25'	123.00'	121.00'
Big Gum Lake 26 29 R28	95.50'	95.00'	92.00'	89.00'
Blue, Lake S13 T28 R25	149.80'	149.00'	146.50'	144.50'
Blue Lake 24 30S 27E	118.00'	117.00'	114.00'	—
Bonnie, Lake S31 T29 R28	113.30'	113.00'	110.00'	108.00'
Bonny, Lake 20 28S 24E	130.90'	130.50'	128.00'	126.00'
Buckeye, Lake S22 T28S R26E	130.10'	129.00'	126.00'	124.50'
Buffum, Lake 12 31S 26E	132.75'	132.25'	129.25'	—
Cannon, Lake 19 28S 26E	132.60'	132.00'	129.50'	127.00'
Clinch, Lake 31 31S 28E	108.00'	106.75'	104.00'	102.50'
Connie, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'

Cooper (Worth) S02 T30 R27	124.20'	123.50'	121.00'	119.00'
Crooked, Lake 1 31S 27E	122.60'	122.00'	118.50'	—
Crystal Lake S02 T30 R27	121.40'	121.25'	118.00'	115.00'
Crystal Lake S21 T28 R27	122.90'	122.00'	119.00'	117.00'
Crystal Lake 23 29S 26E	130.00'	129.50'	127.00'	125.00'
Cypress Lake 36 29 28E	100.20'	98.50'	95.00'	93.00'
Lake Daisy S6 T29 R27	130.90'	130.00'	127.00'	126.00'
Lake Deer 25 28 25E	141.30'	140.75'	138.50'	136.50'
Dell, Lake S28 T28 R27	125.70'	123.75'	121.50'	119.50'
Lake Dexter S2 T29 R26	132.20'	132.00'	129.00'	127.50'
Dinner, Lake 15 29S 27E	120.90'	118.50'	116.00'	114.00'
Eagle Lake 29 25E	131.00'	130.75'	128.50'	126.50'
Easy, Lake 19 30 28	115.50'	115.25'	113.00'	111.00'
Echo, Lake S05 T28 R26	132.30'	131.00'	128.00'	126.00'
Effie, Lake 3 30 27	119.60'	118.00'	115.00'	113.00'
Elbert, Lake S22 T28 R26	137.50'	135.50'	133.00'	131.50'
Eloise, Lake 3 29S 26E	132.60'	132.00'	129.50'	127.00'
Fannie, Lake 11 28S 26E	127.00'	125.75'	123.50'	120.00'
Lake Florence S35 T28 R26	128.80'	128.75'	127.00'	125.00'
Lake Fox S6 T29 R27	135.20'	135.00'	132.00'	131.00'
Garfield, Lake 5 30 26E	105.70'	104.75'	101.00'	100.00'
Gator, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
George, Lake S06 T28 R26	130.70'	130.00'	127.50'	125.50'
Gibson, Lake 25 27S 23E	144.20'	143.50'	141.50'	141.50'
Gordon, Lake S16 T28 R27	121.30'	119.00'	116.00'	114.00'
Lake Grassy 2 29 25E	134.80'	129.00'	126.50'	125.50'
Lake Gross (Grassy) S14 T29 R26	138.50'	136.00'	133.50'	132.00'
Hamilton, Lake 18 28S 27E	122.50'	121.50'	119.00'	117.25'
Hancock, Lake 8 29S 25E	102.40'	99.00'	96.00'	94.00'
Hart, Lake 24 29S 26E	124.70'	124.50'	122.00'	120.00'
Hartridge, Lake 8 28S 26E	132.60'	132.00'	129.50'	127.00'
Henry, Lake 16 31S 26E	160.10'	159.00'	156.00'	154.00'

Henry, Lake 36 27S 26E	127.00'	126.50'	124.50'	122.50'
Hickory, Lake 17 32S 28E	98.50'	98.50'	96.00'	94.00'
Howard, Lake 30 28S 26E	132.60'	132.00'	129.50'	127.00'
Ida, Lake 28 31S 28E	80.00'	79.00'	76.50'	75.00'
Ida, Lake S17 T28 R26	136.70'	135.25'	132.00'	130.50'
Idyl, Lake S16 T28 R26	134.90'	134.00'	131.50'	130.00'
Idylwild, Lake 18 28S 26E	132.60'	132.00'	129.50'	127.00'
Jessie, Lake 12 28S 25E	132.60'	132.00'	129.50'	127.00'
Josephine, Lake 13 30 27	121.30'	120.00'	116.50'	114.50'
Josephine, Lake S27 T28 R27	124.10'	121.50'	118.00'	116.50'
Lee, Lake S16 T28 R27	123.50'	123.50'	121.50'	120.00'
Lena, Lake 9 28S 25E	137.10'	137.00'	134.50'	132.50'
Leonore, Lake 10 31S 28E	87.40'	87.00'	84.50'	83.00'
Link, Lake 27 28S 26E	128.70'	128.00'	125.00'	123.00'
Little Aurora	103.30'	100.50'	98.00'	96.00'
Little Gum Lake 35 29S 28E	96.80'	96.50'	94.00'	92.00'
Little Lake Hamilton 5 28S 27E	122.50'	121.50'	119.00'	117.25'
LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'
Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	—	124.75'	122.75'	121.00'
Marie, Lake S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha, Lake S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude, Lake S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora, Lake S36 T27 R25	140.40'	138.00'	134.50'	133.00'
Menzie, Lake S28 T28 R27	127.00'	122.00'	120.00'	118.00'
Middle Lake Hamilton 7 28S 27E	122.50'	121.50'	119.00'	117.25'
Lake Millsite 11 29 25E	125.30'	123.50'	121.00'	119.00'
Mirror, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Moody, Lake 17 31S R28E	92.80'	93.50'	91.00'	89.00'

Myrtle, Lake 19 29S 27E	118.70'	118.50'	116.50'	114.50'
Lake Ned S1 T29S R26	129.60'	128.50'	126.00'	124.00'
North Lake Wales S01 T30 R27	116.80'	115.00'	112.00'	110.00'
Otis, Lake 28 28S 25E	128.70'	128.00'	125.00'	123.00'
Pansy, Lake S08 T28 R26	130.00'	129.00'	126.50'	124.50'
Parker, Lake 32 29S 27E	122.50'	122.00'	119.50'	117.50'
<del>Parker, Lake 8 28 24E</del>	<del>131.60'</del>	<del>131.00'</del>	<del>128.75'</del>	<del>127.50'</del>
Parks, Lake 36 29S 28E	104.50'	102.50'	100.00'	98.00'
Polecat, Lake 27 30S 26E	142.40'	142.00'	139.50'	137.50'
Reedy, Lake 35 31S 28E	80.00'	79.75'	77.25'	75.25'
Reeves, Lake 13 29S 26E	125.10'	124.50'	122.00'	120.00'
Lake River S1 T29 R26	141.60'	139.50'	136.00'	134.00'
Rochelle, Lake 4 28S 26E	129.70'	128.75'	126.50'	124.50'
Round, Lake 13 29S 26E	129.40'	129.25'	126.50'	124.50'
Roy, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Ruby, Lake 12 29S 26E	125.50'	125.25'	123.00'	121.00'
Ruth, Lake S28 T28 R27	123.50'	121.50'	117.50'	115.50'
Saddlebag, Lake 6 30S 29E	106.80'	105.00'	102.00'	100.00'
Saint Anne Lake 14 30 28	97.50'	96.00'	93.00'	91.00'
Sanitary (Marianna), Lake S01 T28 R25	138.60'	137.50'	135.00'	133.00'
Sara, Lake S17 T28 R27	122.50'	121.50'	119.00'	117.25'
Scott, Lake 18 29S 24E	168.60'	168.00'	165.00'	164.25'
Lake Sears 36 28 25E	143.20'	141.00'	138.00'	136.00'
Serena, Lake S12 T30 R27	125.30'	118.00'	115.00'	113.00'
Shipp, Lake 32 28S 26E	132.60'	132.00'	129.50'	127.00'
Silver, Lake 5 32S 28E	105.00'	103.00'	100.50'	98.50'
Silver, Lake S20 T28 R26	147.10'	146.50'	144.00'	142.00'
Smart, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Lake Spirit 35 28 25E	134.10'	131.50'	129.00'	127.00'
Spring, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Starr, Lake 14 29 27	115.50'	113.00'	110.00'	108.00'
Streety Lake 24 32S 27E	108.70'	105.50'	102.50'	101.00'

Summit, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Sunset Lake 10 30 28	101.10'	98.00'	95.50'	93.50'
Surveyors, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
Thomas, Lake 1 30E 28E	104.20'	99.50'	97.00'	95.00'
Lake Thomas 35 28 25E	135.60'	132.00'	128.00'	126.00'
Tractor Lake 14 30 27	125.00'	123.25'	121.00'	119.00'
Trask, Lake S22 T28 R27	114.90'	113.00'	108.00'	106.00'
Trout, Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Twin Lakes S11 T30 R27	124.10'	123.75'	120.00'	118.00'
Venus, Lake 9 29S 27E	126.10'	125.00'	122.00'	120.00'
Wales, Lake S01 T30 R27	114.10'	112.50'	110.00'	108.00'
Walker, Lake 21 30S 26E	143.00'	141.00'	137.00'	135.00'
Warren, Lake S11 T30 R27	124.60'	123.50'	121.00'	119.00'
Weader (Weaver), Lake S03 T30 R27	122.00'	121.75'	119.00'	117.00'
Winterset, Lake 11 29S 26E	132.60'	132.00'	129.50'	127.00'
(aa)-(cc) No change.				

Specific Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086, F.S. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, Amended 8-7-00, 1-8-04, 12/10/04, 6-05-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Doug Leeper, Senior Environmental Scientist, Ecologic Evaluation, Resource Conservation and Development, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005 for Lakes Allen Harvey and Virginia in Hillsborough County, September 23, 2005 for Lake Parker and October 3, 2003 for Lake June-In-Winter in Highlands County

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division Health Quality Assurance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Health Care Clinic Licensure	59A-33
RULE TITLES:	RULE NOS.:
Definitions	59A-33.001
Licensure, Application Process, General Requirements	59A-33.002
Initial License Applications Applicability	59A-33.003
Renewal License Applications	59A-33.004
Change of Ownership License Applications	59A-33.005
Certificates of Exemption and Exempt Status	59A-33.006
AHCA Forms Availability, Information and Website	59A-33.007
Medical and Clinic Director	59A-33.008
Financial Instability	59A-33.009
Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses	59A-33.0010
Magnetic Resonance Imaging Exemption for Chief Financial Officer	59A-33.011
Survey Requirements and Process	59A-33.012
Medical and Clinic Directorships Maximum Number of Clinics	59A-33.013

PURPOSE AND EFFECT: The Agency proposes to adopt new rules, Chapter 59A-33, Florida Administrative Code, consistent with provisions of the Health Care Clinic Act that created Section 400.9925, F.S. That statutory section was effective October 1, 2003, and requires the development of rules necessary to administer the health care clinics with regulatory licensing program.

SUMMARY: The proposed initial rule, Chapter 59A-33, Florida Administrative Code, includes administration and regulation of the health care clinic licensure program, medical and clinic directors, survey, Magnetic Resonance Imaging (MRI), background screening, certificates of exemption, change of ownership, financial instability, cessation of business and medical records, rules establishing the specific licensure requirements, procedures, forms, policies, fees, procedures for biennial licensure, expiration dates for licenses, financial responsibility requirements and other conditions of renewal of licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 400.9925 FS.

LAW IMPLEMENTED: 400.990-400.995 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 HELD):

TIME AND DATE: 10:00 a.m., Friday, February 3, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dennis LaRosa, Health Care Clinic Unit, 2727 Mahan Drive, Tallahassee, Florida or call (850)488-1365

THE FULL TEXT OF THE PROPOSED RULES IS:

INDEX TO PROPOSED RULES FOR HEALTH CARE CLINIC LICENSURE

59A-33.001 Definitions.

In addition to definitions contained in Chapter 400, Part XIII, F.S., the following definitions shall apply specifically to health care clinics.

(1) "Licensee" means an individual, general partner of a limited partnership, general partnership, joint venture, limited liability company, limited liability partnership, unincorporated association, corporation or any other business relationship or entity that owns or controls a health care clinic or is the lessee of the health care clinic having the right of possession of the health care clinic location or mobile unit.

(2) "Physician" means a person currently licensed to practice medicine, osteopathy, chiropractic, or podiatry pursuant to Chapters 458, 459, 460 or 461, F.S., respectively.

(3) "Unencumbered license" means a license issued by the respective health practitioner board of the Department of Health that permits a physician to perform all duties authorized under a license without restriction.

(4) "The Health Care Clinic Act" or "Act" means Part XIII, Chapter 400, F.S.

(5) "Licensed medical provider" means a licensed health care practitioner.

Specific Authority 400.9925 FS. Law Implemented 400.991(1), 400.9925, 400.9905(4)(g), (5) FS. History--New\_\_\_\_\_.

59A-33.002 Licensure, Application Process, General Requirements.

(1) The licensee or prospective licensee shall make application for an initial, change of ownership, or renewal license to operate a health care clinic and shall provide all of the information required by this rule and Chapter 400, Part XIII, F.S. on AHCA Form 3110-0013B, Application for Health Care Clinic Licensure June 2004, and AHCA Form 3110-0013A, Instruction for Completing the Application for Health Care Clinic Licensure June 2004 incorporated by reference. The following shall be included with the application:

(a) License Fee. A nonrefundable \$2,000 application fee payable to the Agency; and

(b) Fictitious Name. When an applicant intends to operate under a fictitious name, a copy of an Affidavit of Compliance with Fictitious Name pursuant to Section 865.09, F.S., or a copy of a registration form from the Division of Corporations, Secretary of State, showing registration of the applicant's fictitious name; and

(c) Evidence of Incorporation. When an applicant is a corporation, a copy of the registration of the applicant entity on file with the Division of Corporations, Secretary of State, State of Florida; and

(d) Financial Projections. Proof of financial ability to operate for the first year of licensure for initial and change of ownership applications. This proof shall include evidence that the applicant has sufficient assets, credit, and projected revenues to cover liabilities and expenses. The applicant must submit a projected income and expense statement and projected balance sheet that have been prepared according to generally accepted accounting principles and signed by a certified public accountant. As a convenience, the applicant may submit the required information on AHCA Form 3110-001C, June 2005, Schedule 2, Projected Income and Expense, incorporated by reference, and AHCA Form 3110-001D, Schedule 3, Projected Balance Sheet, June 2005, incorporated by reference. As an alternative, and not in addition to providing a projected income and expense statement and projected balance sheet, the applicant may submit a surety bond in the amount of \$500,000 payable to the Agency. For a Surety Bond the applicant must submit AHCA Form 3110-1103E, Health Care Clinic Surety Bond, June 2005, incorporated by reference; and

(e) Background Screening. All information required by this paragraph (e) to enable the Agency to evaluate and determine compliance with the Act regarding background screening. This information must include the identification of all individuals who must be the subject of Level 2 background screening under standards established in Chapter 435, F.S., and in Section 400.991(7)(d), F.S., as required on AHCA Form 3110-0013B, June 2005, Application for Health Care Clinic Licensure, adopted by reference.

1. Individuals required to meet background screening requirements include individuals owning or controlling, directly or indirectly, 10% or more of an ownership interest in the health care clinic; the medical or clinic director, or similarly titled person responsible for the day to day operation of the health care clinic; the financial officer or similarly titled individual responsible for the financial operation of the health care clinic; and all health care practitioners employed by or under contract to the health care clinic that have been issued a license, registration or certification by the Florida Department of Health.

2. For each individual not previously screened within the last 5 years, the applicant for licensure shall submit an original completed applicant (meaning that individual) fingerprint card (blue and white card) from any authorized agency or law enforcement office in the United States plus the applicable processing fee established by the Florida Department of Law Enforcement (FDLE); provided however, an individual who owns an interest in a health care clinic, but such ownership interest is less than a 10% interest, may not be required to submit a fingerprint card. This latter proviso shall not preclude the Agency from determining through means other than through the examination of fingerprints, whether any such individual has a criminal record that precludes issuance of a health care clinic license to the applicant for licensure.

3. Upon receipt by the Agency of the results of Level 2 screening, the Agency will notify the applicant in writing if the determination is other than HCC-OK. The applicant shall provide the following additional information to the Agency as requested within 30 days of the notice to enable the Agency to make a final determination regarding whether a disqualifying criminal record exists for any such individual that would preclude issuance of the license to the applicant. The Agency will notify the applicant for the license in writing of a final disqualifying criminal record and the right to formally contest the determination.

4. Any applicant that fails to provide requested criminal or other necessary information within thirty (30) days after the notice to the applicant of the need for such information regarding any particular individual, or that otherwise fails to respond to the notice in a manner that resolves the problem in determining the disqualifying nature of the criminal record of a particular individual, shall subject the applicant's pending license application to denial or revocation of an existing license for such failure.

5. Individuals directly or indirectly owning or controlling 10% or more of an interest in a health care clinic means the natural persons owning or controlling stock, directly or indirectly, in the applicant entity or owning or controlling 10% or more interest in a company or companies directly or indirectly related to the applicant entity through inter-company ownership or control. For example: When a parent company or companies own 100% of the outstanding stock or controls the applicant entity, any individual owning or controlling a 10% or more interest in the parent company is required to undergo Level 2 background screening.

6. Any individual employed by or under contract with a health care clinic who is required to pass Level 2 background screening must submit an applicant fingerprint card and processing fee of \$47 to the Agency within 10 days of becoming affiliated with a health care clinic in accordance with paragraph (1)(e), unless submitted with an initial, change of ownership or renewal application. This requirement shall be a continuous obligation of the health care clinic. All applicants

for a license or current licensees must comply in a timely manner. For persons who have previously completed and met Level 2 background screening requirements and for such other persons subject to background screening, the health care clinic must file a supplemental application on AHCA Form 3110-0013B, June 2005, Application for Health Care Clinic Licensure, incorporated by reference, by following the instructions for meeting background screening requirements when adding personnel to the health care clinic. Failure of the health care clinic to submit fingerprint cards and related fees in a timely manner shall subject the health care clinic to the penalties of Section 400.995(1), F.S.

7. No license will be issued to any health care clinic until all the required background screening responses from the Florida Department of Law Enforcement and from the FBI have been received by the Agency and the individuals screened have been determined cleared consistent with this rule. Documentation that resolves background screening issues is required documentation pursuant to Section 400.991(4), F.S. A license that is granted, notwithstanding the existence of a pending criminal charge against an individual whose criminal case will not be resolved within the time specified in this rule, and which criminal charge may result in the establishment of a criminal record that would have precluded licensure if established prior to issuance of the license, shall be subject to periodic review by the Agency specifically as to the disposition of that individual's criminal charge. The licensee promptly shall notify the Agency of such disposition upon learning of it.

(2) All health care clinics deemed to be unlicensed under this rule are specifically subject to a fine for unlicensed activity in accordance with Section 400.995(5), F.S. and all other remedies provided by law. The Agency may deny, suspend, revoke and refuse to renew a license or application for any reason set forth in Section 408.831, F.S. In the event the Agency denies an application for renewal and seeks sanctions, the Agency shall issue a provisional license that shall enable the health care clinic to operate during the sanction proceedings. The provisional license shall terminate on the date the license is revoked by final order, the date the sanctioning proceeding terminates, or the date the final order grants the health care clinic a standard license.

(3) All forms and these rules may be obtained by contacting the Agency as shown in Rule 59A-33.007, F.A.C.

(4) The health care clinic shall maintain a log of all persons required to be screened pursuant to Section 400.991(7), F.S. and have undergone background screening plus all correspondence and documentation from the Agency including the online Direct Access Screening System results for \_\_\_\_\_ submitted \_\_\_\_\_ fingerprint \_\_\_\_\_ cards \_\_\_\_\_ at: [http://www.fdhc.state.fl.us/bg\\_screen/owa/bg\\_screen.internet.1](http://www.fdhc.state.fl.us/bg_screen/owa/bg_screen.internet.1) og.

Specific Authority 400.991(1), 400.991(7)(d), 400.995(3), 400.9925 FS. Law Implemented 400.9925, 400.991(1)(a), (4), (7)(d), 435.04 FS. History—New \_\_\_\_\_.

#### 59A-33.003 Initial License Applications Applicability.

(1) Licensure is required for all entities meeting the definition of "Health care clinic" per Section 400.9905(4), F.S., that are not otherwise exempt under Section 400.9905(4)(a)-(i), F.S.

(2) Any business that meets the definition of a health care clinic, must submit an application in accordance with Rule 59A-33.002, F.A.C., within 5 days of becoming a health care clinic pursuant to Section 400.9935(2), F.S. An application for licensure is required for health care clinics that have a current certificate of exemption or have self-determined they have exempt status, but do qualify for an exemption under Section 400.9905(4), F.S.

(3) A change of ownership application that is not received before the ownership change has been completed is considered an initial license application. Special Provisions. Submission of applications must be in accordance with Rule 59A-33.002, F.A.C., General Provisions.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.992 FS. History—New \_\_\_\_\_.

#### 59A-33.004 Renewal License Applications.

(1) At least 90 days prior to the expiration of the license, all licensed health care clinics must submit a complete renewal application on AHCA Form 3110-0013B, Application for Health Care Clinic Licensure June 2005, in accordance with AHCA Form 3110-0013A, Instruction for Completing the Application for Health Care Clinic Licensure June 2005 and check the renewal box. These forms are hereby adopted by reference. All information required by the form and instructions must be submitted. All forms and these rules may be obtained by contacting the Agency in accordance with Rule 59A-33.007, F.A.C.

(2) Timeliness of the renewal application will be determined on the basis of receipt by the Agency. In the event an application is submitted less than 90 days before license expiration, an administrative fine of one-half of the license fee shall be assessed. An application for renewal submitted to the Agency after the expiration date will be processed as an initial application.

(3) A health care clinic is deemed to be unlicensed after the license has expired. The health care clinic is then subject to a fine for unlicensed operation in accordance with Section 400.995(5), F.S.

(4) Special Provisions. Submission of the renewal application must be in accordance with Rule 59A-33.002, F.A.C. Proof of financial ability to operate shall not be required for a renewal application unless the Agency determines there is evidence of financial instability and notifies the health care clinic in writing. (See Rule 59A-33.009, F.A.C., relating to financial instability).



(5) An unannounced onsite inspection and survey will be conducted by the Agency prior to license expiration. All requirements for licensure under these rules and the Act must be met during the survey.

(6) Each health care clinic providing magnetic resonance imaging services must provide proof of required accreditation with the license renewal application. This requirement is met with a copy of a letter or certificate indicating the effective date of the accreditation.

Specific Authority 400.9925 F.S. Law Implemented 400.991(4), (8), (9), 400.991(1), 400.9935(5), (11)(a), 400.995(1), (5) F.S. History—New \_\_\_\_\_.

#### 59A-33.005 Change of Ownership License Applications.

(1) Applications for change ("CHOW") of health care clinic ownership are subject to the following standards.

(a) A health care clinic license cannot be sold, assigned, encumbered, pledged as security, leased or otherwise transferred, directly or indirectly. A health care clinic license is good only for the location and owners originally approved by the Agency.

(b) An application for change of ownership of a health care clinic is required pursuant to Section 400.992(4), F.S., when 45 percent or more of the ownership, voting shares, or controlling interest of a health care clinic is transferred or assigned, or when the maximum aggregate percentage is achieved cumulatively within a 2-year period. The standards and applications under Rule 59A-33.002, F.A.C., shall apply to applications for change of ownership.

(c) When changing the ownership of a health care clinic, an application for change of ownership must be submitted to the Agency at least 60 days before the effective date of the change. A change of ownership prior to submitting this required application in a timely manner and operation as a health care clinic is considered operating in violation of the Act and the clinic shall be fined \$5,000 in accordance with Section 400.995 F.S.

(d) When changing the ownership of a health care clinic, the transferee must submit an application for a license and check the change of ownership box on AHCA Form 3110-0013B, June 2005, Application for Health Care Clinic Licensure with accompanying instructions. This form is adopted herein by reference. The form and these rules may be obtained by contacting the Agency in accordance with Rule 59A-33.007, F.A.C.

(e) When a health care clinic changes ownership according to the criteria set forth in this rule and the Act and operates before a change of ownership application is filed, it is in violation of Section 400.993(1), F.S., and the Agency shall assess a statutory fine of \$5,000.

(f) When a health care clinic changes ownership and operates after an application is filed, but before the new change-of-ownership license is effective, the Agency shall assess the applicant a fine of up to \$5,000 pursuant to Section 400.995(1), F.S.

(g) A change of ownership application requires compliance with Rule 59A-33.002, F.A.C., which includes, but is not limited to, submission of proof of financial ability to operate and applicant fingerprint cards for all persons required to submit to comply with level 2 background screening within the past 5 years in accordance with AHCA Form 3110-0013B, (NEW), titled Application for Health Care Clinic Licensure.

Specific Authority 400.9925 F.S. Law Implemented 400.991(7)(d), 400.992(4)-(5), 400.9925(1)-(5), 400.993(2), 400.995(1), (6), (7) F.S. History—New \_\_\_\_\_.

#### 59A-33.006 Certificates of Exemption and Exempt Status.

(1) Facilities and entities exempt from health care clinic license requirements are set forth in Section 400.9905(4), F.S. A facility is not required to have, but may voluntarily apply for a certificate of exemption.

(2) Facilities that claim an exemption, either by filing an application for an exemption with the Agency and receiving a certificate of exemption, or self-determining, must maintain an exempt status at all times the facility is in operation.

(3) When a change to the exempt status occurs to an exempt facility or entity that causes it to no longer qualify for an exemption, any exempt status claimed or reflected in a certificate of exemption ceases on the date the facility or entity becomes a health care clinic. In such case, the health care clinic must file with the Agency a license application under the Act within 5 days of becoming a health care clinic and shall be subject to all provisions of the Act applicable to unlicensed health care clinics. Failure to timely file an application for licensure within 5 days of becoming a health care clinic will render the health care clinic unlicensed and subject the owners, medical or clinic directors and the health care clinic to sanctions under the Act.

(5) A facility becomes a health care clinic as defined in Section 400.9905(4), F.S. when it does not qualify for an exemption, provides healthcare services to individuals and bills third party payors for those services.

(6) Change of Exempt Status. When exempt status changes are discovered, the Agency will notify a facility or entity applying for, obtaining or self-determining exempt status, that the exempt status is no longer valid, giving the grounds therefor, the date of the change, when known, and the statutory and rule provisions applicable. The Agency shall give the facility or entity notice of unlawful health care clinic operation, the statutory and rule requirements of becoming a health care clinic and sanctions for operating without a valid license for the owners, medical or clinic directors and the location. The Agency shall also provide information to the

facility or entity believed to be operating without exempt status of the licensing procedures and the Agency filings necessary to meet licensure requirements.

(7) The applicant for a certificate of exemption must affirm, without reservation, the exemption sought pursuant to Section 400.9905(4), F.S., and the qualifying requirements for obtaining and maintaining an exempt status; the current existence of applicable exemption-qualifying health care practitioner licenses; qualified ownership, qualified certifications or registration of the facility or owners; federal employer identification number; services provided; proof of legal existence and fictitious name, when the entity and name are required to be filed with the Division of Corporations, Department of State; plus other satisfactory proof required by form adopted by this rule.

(8) The fee for issuance of a certificate of exemption shall be \$100 submitted to the Agency with the application.

(9) Within 30 calendar days after application receipt, the Agency shall determine whether the application is complete. If the application is deemed incomplete, the Agency shall request in writing from the applicant specific information necessary for the application to be deemed complete. Only one such request will be made by the Agency. If the applicant does not provide the specific additional information required by the statute and rule in writing to the Agency within 21 calendar days of receipt of the Agency's request, the application will be deemed incomplete and the certificate of exemption shall be denied. The applicant's response must be received by the Agency no later than 5:00 P.M., E.S.T., on or before the omissions due date. An application for a certificate of exemption from health care clinic licensure shall be granted or denied by the Agency within 90 days of receipt of a fully completed application on AHCA Form 3110-0014, which is incorporated by reference and may be obtained in accordance with Rule 59A-33.007, F.A.C.

(10) The Agency may rely upon the address given on the application as the official address to which correspondence may be sent. It is the duty of the applicant to notify the Agency in writing at least 10 days in advance of any change of the current mailing address by contacting the Agency according to Rule 59A-33.007, F.A.C.

(11) Certificates of exemption are not moveable or transferable, directly or indirectly. They are valid only for the applicant, qualifying owners, licenses, registrations, certifications and services provided under specific statutory exemptions and are valid only to the specific exemption claimed and granted. In order for a certificate of exemption to be valid the applicant must apply for and receive a new certificate of exemption for changes of location and any qualifying statutory or rule requirement of an exemption.

Specific Authority 400.9925 FS. Law Implemented 400.9905(4), 400.9935(2), (9) History—New\_\_\_\_\_.

59A-33.007 AHCA Forms Availability, Information and Website.

All forms and corresponding instructions, copies of these rules, the Health Care Clinic Act and other information necessary for licensure and exemption that are incorporated by reference into this chapter, F.A.C., may be obtained from the Health Care Clinic Unit website: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Health\\_CareClinic/index.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Health_CareClinic/index.shtml) or may be obtained by written request addressed to: AHCA, Health Care Clinic Unit, 2727 Mahan Drive, MS #53, Tallahassee, FL 32308 or by telephone at (850)488-1365 for mailing.

Specific Authority 400.9925 FS. Law Implemented 120.54 FS. History—New\_\_\_\_\_.

59A-33.008 Medical or Clinic Director.

(1) A licensed health care clinic may not operate or be maintained without the day-to-day supervision of a single medical or clinic director as defined in Section 400.9905(5), F.S. The health care clinic responsibilities under Section 400.9935(1)(a)-(g), F.S. cannot be met without an active, appointed medical or clinic director. Failure of an appointed medical or clinic director to substantially comply with health care clinic responsibilities under Rule 59A-33.012, F.A.C., and Section 400.9935(1)(a)-(g), F.S. shall be grounds for the revocation or suspension of the license and assessment of a fine pursuant to Section 400.995(1), F.S.

(2) By statutory definition in Section 400.9905(5), F.S., a medical director is a health care practitioner that holds an active and unencumbered Florida physician's license in accordance with Chapters 458 (medical physician), 459 (osteopathic physician), 460 (chiropractic physician) or 461 (podiatric physician), F.S. A suspended or non-renewed license is considered an encumbered license, as is a license that restricts the license holder from performing health care services in a manner or under supervision different from a license holder without board or Department of Health restrictions.

(3) The Agency may issue an emergency order suspending the license of any health care clinic operated or maintained without a medical or clinic director as required by the Act and this rule for such period of time as the health care clinic is without a medical or clinic director. The Agency shall assess a civil fine of up to \$5,000 for operating or maintaining a health care clinic without a medical or clinic director. Each day of operation following receipt of Agency notice is considered a separate offense. Operation and maintenance of a health care clinic without a medical or clinic director shall be grounds for revocation of the license in addition to the assessment of fines pursuant to Section 400.995(1), F.S.

(4) All health care clinics must notify the Agency of the resignation, abandonment and appointment of a medical or clinic director on AHCA Form 3110-0014, June 05, which is adopted by reference, by delivering the original form to the

Agency at the address set forth in Rule 59A-33.007, F.A.C. Such application must be filed with the Agency within 10 days of the resignation or abandonment of a medical or clinic director. The health care clinic must also file an application with the Agency within 10 days of the appointment of a new medical or clinic director. The form shall require the date the medical or clinic director of record ceased to be the director and the date the successor began as director. The incoming medical or clinic director and a representative of the owner of the health care clinic shall sign the form and attest to its accuracy. The form shall include an acknowledgement that the new medical or clinic director has accepted the responsibilities of Section 400.9935(1), F.S., by signing the form. A copy of the form may be obtained from the Agency at the address shown in Rule 59A-33.007, F.A.C. All appointed medical or clinic directors must comply with Section 400.9905(5), F.S., at the time of appointment and throughout the appointment period. There is no fee for this form.

(5) The application shall be accompanied by a fingerprint card of the medical or clinic director and a processing fee of \$47 per card.

Specific Authority 400.9925(1), (2) FS. Law Implemented 120.542, 120.60(6), 400.9905(5), 400.9915(3), 400.993, 400.9935(1)(a)-(g), 400.9935(3), 400.995(1), (6). History—New \_\_\_\_\_.

#### 59A-33.009 Financial Instability.

When evidence of financial instability of a health care clinic is substantiated, the Agency will notify the health care clinic in writing that satisfactory proof of financial ability to comply with Part XIII, Ch. 400, F.S., must be provided.

(1) Evidence of financial instability of a health care clinic shall, without limitation, include issuance of checks and drafts for which there are insufficient funds, an accumulation of delinquent bills for such items as personnel salaries, drugs, lease, mortgage, utilities or other operational costs, appointment of a receiver, a voluntary or involuntary petition for bankruptcy, a voluntary arrangement with creditors, health care clinic closure, discontinuance of health care clinic business for more than 60 consecutive days or insolvency.

(2) The licensee shall submit to the Agency a written plan of correction to resolve specific financial problems that the Agency has identified as evidence of financial instability. Should the financial instability not be resolved within 90 days of the original notice, the licensee shall be subject to disciplinary action, fine, suspension or revocation of the license. For good cause shown, the licensee may request an extension of no more than 90 days to correct financial instability in accordance with its plan of correction if such request is received and approved by the Agency prior to the expiration of the initial 90 days.

Specific Authority 400.9925 FS. Law Implemented 400.992(3) FS. History—New \_\_\_\_\_.

59A-33.010 Cessation of Business, Billing and Medical Records Retention, Suspended and Revoked Licenses.

(1) The medical or clinic director serves as the medical records owner while the health care clinic is in operation. The licensee is the records owner of billing and medical records after the cessation or change of ownership of the business. The treating health care practitioner is the medical records owner in accordance with Sections 456.057, 456.0575, 456.58, F.S., and the rules promulgated there under unless there is a written agreement between the practitioner and health care clinic to the contrary.

(2) Each original license shall be returned to the Agency at the address shown in Rule 59A-33.007, F.A.C., within 10 days after a change of ownership in accordance with Rule 59A-33.005, F.A.C., or cessation of operations, suspension or revocation of the license by the Agency. Agency staff may enter the premises of the health care clinic at reasonable times to remove a license after final action of the Agency suspending or revoking the license or when the health care clinic has changed ownership in accordance with Rule 59A-33.005, F.A.C. Operating a health care clinic while a license is suspended or revoked shall be deemed unlicensed operation and subject to the statutory penalties, including per-day fines for such operation.

(3) All financial books and medical records, including but not limited to, patient files and billing records, shall be retained by the health care clinic owners in a secure location for a period of at least five (5) years from the last date on the record. The licensee shall notify the Agency in writing within 10 days of closure giving the Agency the name, street address and telephone number of the custodian and street address of the location of financial and medical records.

(4) When a change of ownership occurs, the new medical or clinic director will serve as the records owner in accordance with the practice act of the director. Within 10 days of any change of location or change of records custodian, the health care clinic owners shall provide to the Agency in writing, information as required by subsection (3). Records shall be retained for at least five (5) years from the last date on the record.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.993, 400.994, 400.995 FS. History—New \_\_\_\_\_.

59A-33.011 Magnetic Resonance Imaging Exemption for Chief Financial Officer.

(1) The statutory authorization threshold to utilize a chief financial officer (“CFO”) in lieu of a medical or clinic director to supervise health care clinic activities under Section 400.9935(1)(g), F.S., is partially met when less than 15% of the total scans for the previous quarter (3 months) of operation are reimbursed from automobile personal injury protection insurance (“PIP”).

(2) Calendar quarters shall begin on the first of January, April, July and October. For health care clinics applying for and obtaining initial licenses, a partial quarter shall count as a full quarter of operations for purposes of qualifying for this CFO exemption to Section 400.9935(1)(g), F.S.

(3) In calculating total scans, a single scan means one patient study. The records of total scans must be maintained by the health care clinic and made available to the Agency upon request. The records for each quarter in which the exemption is claimed must be tallied separately and demonstrate the total number of scans billed to PIP insurance divided by the total scans for the quarter. Upon request of the Agency, the health care clinic shall demonstrate how the figures were determined and the methodology utilized.

(4) The exemption from the required utilization of a medical or clinic director for Section 400.9935(1)(g), F.S., activities applies only to a health care clinic that is fully accredited by the Joint Commission on Accreditation of Healthcare Organizations or dually accredited by the Accreditation Association for Ambulatory Health Care and the American College of Radiology.

(5) Each CFO claiming qualifications for the exemption, shall within 30 days of the health care clinic meeting the threshold for the previous quarter for utilization, affirm to the Agency in writing at the address shown in Rule 59A-33.007, F.A.C., that the CFO meets the minimum qualifications for appointment, the MRI health care clinic has been appropriately accredited and the health care clinic has met the minimum scan threshold for the previous three months.

(6) The health care clinic shall maintain the records reflecting qualification for the CFO exemption, including the individual qualifications of the person acting as the CFO as set forth in Section 400.9935(1)(g), F.S., for 3 years.

Specific Authority 400.9925 FS. Law Implemented 400.9905(3), 400.9935(1)(g) FS. History—New\_\_\_\_\_.

#### 59A-33.012 Survey Requirements and Process.

(1) The survey process is an onsite inspection and review of the health care clinic facility or administrative office, by authorized Agency employees to determine the health care clinic's compliance with the minimum standards established by the Act, its statutory references and rules regulating the operation and licensure of health care clinics. The purpose of the survey is to verify information provided on an application as well as inspect, review, interview, document and determine that the minimum health care delivery system attributes for a health care clinic, as required by the Act and these rules are in place and operational or will be operational after commencing business.

(2) A survey will be conducted for:

(a) Initial applications for licensure;

(b) Applications for renewal licenses;

(c) Applications for a change of ownership; and

(d) complaints filed with the Agency.

(3) The surveyor will request the health care clinic to demonstrate how it is meeting or will meet the minimum requirements for licensure. The medical or clinic director must attend the survey entrance conference and be available when the survey is conducted for the surveyor to determine compliance with minimum standards. Other key personnel required include the financial director, a representative of management or ownership and persons responsible for patient records and billing.

(4) At the entrance conference, each surveyor will identify him or herself and will discuss the survey process and what is expected of the health care clinic during the survey. At the exit conference, surveyors will inform health care clinic representatives of the findings of the survey. When deficiencies are found, the surveyor will discuss them with the persons then in attendance and discuss the criteria for determining the level of sanctions in accordance with Section 400.995(1)(a)-(d), F.S. The field office shall inform the health care clinic in writing of its recommendations and shall require a plan of correction to be prepared and delivered to the field office within 10 days of receipt to correct deficiencies when minimum health care delivery system requirements have not been met. Implementation and Agency verification of a successful plan of correction does not prohibit the field office from recommending sanctions.

(5) To facilitate a licensure survey, the health care clinic should have the following materials readily available for review at the time of the survey. When the survey is unannounced, the materials should be made available to the surveyor upon request.

(a) The professional license or facsimile of the license for the medical or clinic director.

(b) Copy of medical or clinic director's written agreement with the health care clinic assuming the responsibilities for the statutory activities in Sections 400.9935(1)(a)-(g), F.S. If the medical or clinic director signs the application or change of medical or clinic director form, acknowledging these responsibilities as specified in Section 400.9935, F.S., this requirement is met.

(c) Written policies, protocols, guidelines and procedures used or to be used by the facility staff in day-to-day operations. This includes, but is not limited to protocols for physician assistants and advanced registered nurse practitioners plus a copy of the supervision form submitted to the Department of Health by the physician supervisor.

(d) Any policies, procedures, guidelines, checklists and/or means that are used in the systematic creation and maintenance of the health care clinic's medical record system.

(e) Any policies, procedures, guidelines, checklists that demonstrate compliance with the medical records retention, disposition, reproduction, and disclosure requirements of the medical or clinic director's practice act.

(f) Any policies, procedures, guidelines, checklists that demonstrate compliance with the office surgery requirements of the practice acts for services performed at the facility.

(g) Any policies, procedures, guidelines, checklists that demonstrate compliance with adverse incident reporting requirements and injury disclosure.

(h) Personnel files.

(i) Logs, charts or notes demonstrating day-to-day oversight of health care clinic activities by the medical or clinic director.

(j) Copies of professional licenses issued by the respective boards and the Department of Health under the several practice acts.

(k) Any patient referral contracts or agreements of the health care clinic that are in writing and a disclosure to the surveyor of any such agreements that are not in writing including the names of the parties to the agreement, the date and the essential terms of agreement.

(l) For health care clinics that are in operation at the time of the survey, the surveyor will select a sample of at least five (5) patient medical records from the previous 6 months of operation with at least one (1) Medicaid file, if certified as a Medicaid provider, plus the five (5) billing records that correspond with the five patient records.

(m) Description of means by which the health care clinic conducts a systematic review of billings that ensures billings are not fraudulent or unlawful. A sample must be reviewed by the medical director or clinic director at least once every 30 days and a record maintained by the health care clinic for at least three years identifying the records reviewed and when and what action was taken to correct fraudulent or unlawful billings. A log of systematic reviews shall be kept and maintained in a discrete file at the health care clinic for review on request of the Agency during the retention period.

(n) List of services provided or a general descriptor of scope, level and complexity of care for services provided.

(o) Current diagnostic and treatment equipment records showing equipment certification when such equipment must have regulatory certification. This requirement is met with presentation of a current maintenance agreement.

(p) An organizational flow chart with lines of authority and names of key individuals and positions.

(q) An all-inclusive and up to date listing of original signatures and initials of all persons entering information billing and patient records, the printed name and medical designation, if any, such as PA, RN, MD, etc. The log shall be kept and concurrently maintained at the health care clinic. Information required by this rule shall be stored and maintained by the health care clinic for a period of 5 years.

(r) Log of all natural person required and who have been screened under Level 2 criteria of Ch. 435, Section 400.991, F.S.

Specific Authority 400.9925 FS. Law Implemented 400.9925(2) FS. History--New \_\_\_\_\_.

59A-33.013 Medical and Clinic Directorships Maximum Number of Clinics.

A medical or clinic director may not serve in that capacity for more than a maximum of five health care clinics with a cumulative total of more than 200 employees and persons under contract with the health care clinic at given time. A medical or clinic director may not supervise a health care clinic more than 200 miles from any other health care clinic supervised by the same medical or clinic director.

Specific Authority 400.9925(2) FS. Law Implemented 400.9925(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Roger Bell, Unit Manager, Health Care Clinic Unit  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary for Health Quality Assurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Qualifications to Evaluate and Treat Sex Offenders Under "Qualified Practitioner" Status  
RULE NO.: 64B19-18.001

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to implement new legislation regarding the qualifications of licensed psychologists to complete risk assessments and prepare safety plans pursuant to Chapter 947, F.S.

SUMMARY: The new rule specifies the qualifications of licensed psychologists to complete risk assessments and prepared safety plans pursuant to Chapter 947, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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



(1) Rule 19-11.003(3)(b): the following sentences will be added to this paragraph:

“An equivalent form shall mean that all of the information required in the blanks spaces on Form ETF-2 for both the participant and the employer shall be on the equivalent form. In addition, the five items in the “Termination Agreement” section shall be reproduced and signed and dated.”

(2) Rule 19-11.004(1)(c): in the last sentence, the word “rule” will be returned to “policy.”

(3) Rule 19-11.004(3)(b)2.a.: the reference to “three full calendar months” will be changed to “twelve full calendar months.”

(4) Rule 19-11.005(3)(b)2.: the words “FRS Investment Plan Request for Intervention” will be inserted just before “Form SBA-RFI06/04” in the first sentence.

(5) Rule 19-11.005(3)(c)1.: the words “FRS Investment Plan Petition for Hearing” will be inserted just before “Form SBA-PFH06/04” in the first sentence.

(6) Rule 19-11.005(3)(c)1.: the words “FRS Investment Plan Petition for Hearing” will be inserted just before “Form SBA-PFH06/04” in the first sentence.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
33-602.210                    Use of Force

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 46, (11-18-05), and Vol. 31, No. 50, (12-16-05) issues of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) Non-~~deadly lethal~~ force. This subsection applies only to non-~~deadly lethal~~ levels of force; use of deadly force is addressed in subsections (2) and (3). In accordance with Section 944.35, F.S., employees are authorized to apply physical force only when and to the degree that it reasonably appears necessary in order:

(a) through (h) No change.

(2) Use of Deadly Force – General. ~~In accordance with Chapter 776, F.S., A~~ correctional officers ~~is~~ **are** authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, ~~or to prevent the imminent commission of a forcible felony. A forcible felony, as defined by Section 776.08, F.S., includes treason; murder; manslaughter; sexual battery; carjacking; home invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing or discharging of a destructive device or bomb; or any other felony which involves the use or threat of physical force or violence against any individual.~~

(3) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. through 2. No change.

3. Warning shots are only authorized as provided in subparagraphs (3)(a)1. and 2. above. In all other instances where ~~deadly lethal~~ force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) No change.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. ~~Deadly Lethal~~ force is only authorized in accordance with paragraph (1)(c), when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and ~~deadly lethal~~ force is only authorized for self defense or to defend others against deadly use of force.

(4) through (10) No change.

(11) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(3)(d)(~~5~~), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection (22) of this rule.

(12) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                    RULE TITLE:  
59G-4.255                    Prescribed Drug Coverage Denials  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 26, July 1, 2005 issue of the Florida Administrative Weekly, and Notice of

Change published in Vol. 31, No. 52, December 30, 2005 issue of the Florida Administrative Weekly. These changes were in response to written comments received prior to the public hearing and from comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference the two signs: Important Notice to Medicaid Recipients and Aviso Importante a Recipientes de Medicaid. The date 5/14/2004 was added to the signs. The Notice of Change published on December 30, 2005, erroneously stated the date that was added to the signs was 5/14/2003. The correct date is 5/14/2004. The date in the rule text was corrected to read 5/14/2004, and we added the date after the names of both the English and Spanish signs.

The rule text was corrected as follows:

59G-4.255 Prescription Drug Coverage Denials.

(2) Medicaid-participating pharmacies shall post two signs, Important Notice to Medicaid Recipients, 5/14/2004, and Aviso Importante a Recipientes de Medicaid, 5/14/2004, which are incorporated by reference, in a conspicuous location that is visible to recipients. The signs inform recipients of a toll-free number that can be called if the prescription is denied and the pharmacy failed to provide the denial information and an Important Information About Your Florida Medicaid Prescription Drug Benefits or Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida pamphlet to the recipient. The signs are available from the Agency for Health Care Administration's website at [http://ahca.myflorida.com/Medicaid/Prescribed\\_Drug/multi\\_source.shtml](http://ahca.myflorida.com/Medicaid/Prescribed_Drug/multi_source.shtml).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.: 61B-15.007  
 RULE TITLE: Developer, Defined  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 45, November 10, 2005, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Subsection 61B-15.007(1) is amended to read:

(1) For purposes of filing under Sections 718.202, 718.502, 718.503, 718.504 and 718.505, Florida Statutes, and subsection 61B-23.003(9), Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(16), Florida Statutes, or these rules:

- (a) through (c) No change.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-8.002  
 RULE TITLE: Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements

NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on the above-referenced rule to be held:

TIME AND DATE: 2:00 p.m., Thursday, February 2, 2006  
 PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania Beach, Florida 33004.

The rule was originally published in Vol. 31, No. 45, of the November 10, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-15.001  
 RULE TITLE: Continuing Education for Licensure Renewal

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined changes to the Rule should be made.

- (1) No change.
- (2) No change.

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~



(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.

(3)(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his/her compliance with the continuing education requirements for a period of four years during the current renewal period and the one immediately preceding and shall provide such documentation to the Department upon request.

(4)(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met.

(5)(7)(a) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.

(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: Root cause analysis; error reduction and prevention; and patient safety.

(6)(8) A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators may apply to the Board for approval of that activity as a continuing education activity. In order to receive said approval, the licensee must submit a written statement to the Board within 60 days of attendance or participation in said conference, stating the name of the organization conducting the meeting, dates of attendance, and a brief statement as to how the course that activity contributed to the enhancement of the licensee's skills, or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration. The Board may approve up to 5 hours of continuing education per year in one year under this paragraph.

(7) Three hours of continuing education may be obtained by the following:

(a) Attending one full day of a board meeting in compliance with the following:

1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit in risk management for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose.

(9) A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

(10) In addition to the continuing education credits authorized above, a maximum of three (3) hours of credit in the area of risk management may be earned each biennium in the following manner:

(a) Attend a board meeting where a licensee is disciplined.

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65-30	Human Resources
RULE NOS.:	RULE TITLES:
65-30.001	Disciplinary Standards
65-30.002	General Principles
65-30.003	Status Upon Appointment

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 48, December 2, 2005 issue, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety Program Office**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-31	Services to Young Adults Formerly in the Custody of the Department
RULE NOS.:	RULE TITLES:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Foster Care
65C-31.004	Road to Independence Scholarship
65C-31.005	Transitional Support Services for Young Adults Formerly in Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The changes are based upon comments received subsequent to the October 28, 2005 publication of the proposed rule.

The revised proposed rule is as follows:

65C-31.001 Definitions.

(1) “Aftercare Support Services” means services intended to assist young adults in developing “the skills and abilities necessary for independent living”. These services specifically include temporary financial assistance, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, including credit management and preventive health activities, parenting classes, job skills training, and counselor consultations. Temporary assistance to prevent homelessness should be considered emergency assistance.

(2) “Approval Authority” means the staff member(s) designated by the district/region/Community-based care with fiscal authority to approve cash payments. (Note: reviewing and approval authorities may be the same person(s).)

(3) “Case File” means all information for a case contained in the department’s Statewide Automated Child Welfare Information System (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during provision of services to that family. The “case file” may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department’s SACWIS is the primary record for each investigation and case.

(4) “Contracted Service Provider” means a private agency that has entered into a contract with the department or with a community-based care lead agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

(5) “Denial” means full denial or partial denial, in cases where the department or its contracted service provider does not approve the full amount of funding or services requested.

(6) “Designated staff” means those staff assigned by the district/region or its contracted service provider to work with youth age 13 up to the 23rd birthday to implement and conduct a program for independent living as mandated by Section 409.1451, F.S.

(7) “Education and Training Vouchers” (ETV) means federal funds provided to young adults formerly in foster care eligible to receive independent living services and youth who were adopted from foster care at age 16 or 17. Students receiving ETV funds must be attending an institution of higher education. ETV funds provide financial assistance to young adults to promote educational and vocational training opportunities.

(8) “Fair Hearings” means the appeals process federally mandated for the title IV-E independent living program by 45 C.F.R. 1356.10 and 45 C.F.R. 1355.30. The required details of this appeals process are provided in 45 C.F.R. 205.10. The Department of Children and Families has already incorporated this appeals process, in Chapter 65-2, F.A.C., for other federal public assistance programs. However, certain provisions for Independent Living Fair Hearings which differ from those for other programs will be listed in the [next] draft of Rule 65C-28.0200, F.A.C.

(9) “Interim Child Welfare Services Information System (ICWSIS)”, means the department’s automated system containing invoice data pertaining to services provided to children under the department’s supervision. The ICWSIS is the state’s primary audit record for client specific expenditures until such time that the system’s functionality is subsumed by SACWIS.

(10) “Independent Living benefit” means any type of financial aid or service provided to eligible young adults pursuant to Section 409.1451(5), F.S. These benefits are categorized as either aftercare support services, transitional services, or the Road to Independence Scholarship.

(11) “Initial Application” means the “Road to Independence Scholarship and/or ETV Funds Application” CF-FSP 5295, September 2005, incorporated by reference, is required for the initial Road to Independence Scholarship, which can be made anytime prior to the young adult’s 21st birthday.

(12) “Institution of Higher Education” means a school that awards a bachelor’s degree or not less than a two year program that provides credit towards a degree or, provides not less than one year of training towards gainful employment or, is a vocational program that provides training for gainful employment and has been in existence for at least two years. The school must be accredited or preaccredited and is authorized to operate in that state.

(13) “Reinstatement Application” means the “Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application”, CF-FSP 5297, September 2005, incorporated by reference, that must be submitted by a former recipient of the Road to Independence scholarship prior to his or her 23rd birthday in order to reinstate their scholarship award after an interruption of benefits.

(14) “Renewal Application” means the “Road to Independence Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2005, incorporated by reference, means the application that must be submitted by Road to Independence scholarship recipients on an annual basis in order to continue his or her scholarship award.

(15) “Reviewing Authority” means the staff member(s) or committee head(s) designated by the district/region or community-based care to review the applications associated with Section 409.1451 F.S., and determine eligibility.

(16) “Road to Independence Scholarship Program” means the financial educational assistance available to qualifying young adults under the eligibility requirements contained in Section 409.1451(5)(b), F.S.

(17) “Services Worker” means an employee of the department or its contracted service provider who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children and families under supervision. This includes an individual assigned to assist a young adult formerly in the custody of the department who is receiving independent living services.

(18) “Special Immigrant Juvenile Status” means an immigration benefit that allows undocumented children who have been abused, abandoned or neglected to petition for permanent resident status as long as he or she meets the following criteria:

(a) The child is eligible for long term foster care;

(b) It is in the best interest of the child to remain in the United States; and

(c) The child remains under the jurisdiction of the juvenile court.

(19) “Statewide Automated Child Welfare Information System (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

(20) “Transition Plan”, CF-FSP 5293, September 2005, incorporated by reference means the required written plan that contains specific strategies to assist the young adult with achieving self-sufficiency and developing a personal support system. This plan is created by the young adult with the assistance of the department or its contracted service provider.

(21) “Transitional Support Services” means “other appropriate short-term services” to be provided if the young adult demonstrates that the services are critical to the young adult’s own efforts to achieve self-sufficiency and to develop a personal support system. These may include financial, housing, counseling, employment, education, mental health, disability, and other services. Financial transitional support services may be provided in increments of up to 3 months. The young adult must apply again to obtain further transitional funds. See paragraph 65C-31.005(4)(b), F.A.C.

Specific Authority 39.5075(8), 409.1451(10) FS. Law Implemented 39.5075, 409.1451 FS. History—New \_\_\_\_\_.

#### 65C-31.002 Case Management for Young Adults Formerly in Foster Care.

(1) The services that shall be provided to young adults formerly in foster care to transition successfully to independent living shall include, as appropriate for the individual young adult:

(a) Aftercare support services.

(b) Road to Independence Scholarship Program, and

(c) Transitional support services, as specified in Section 409.1451(5)(c)1., F.S.

(2) Case Management/Contact with Young Adults Formerly in Foster Care/Support by Services Worker.

(a) Depending upon the stated wishes and needs of the young adult formerly in foster care, services worker support through home visits, office visits, and other types of contact shall occur.

(b) A plan for transition is required for all recipients of scholarship and/or transitional support funds.

(c) The services worker shall arrange and provide services to support young adults formerly in foster care between the ages of 18 and up to his or her 23rd birthday.

(d) The services worker shall provide young adults formerly in foster care with developmental disabilities, mental health needs, and/or other special needs more contact, as necessary, to assist in the ability of the young adult to transition successfully to independent living.

(e) The frequency of contact by the services worker with the young adult shall be determined by the young adult in consultation with the services worker.

(3) Preparation and Education of the Child/Youth Age 16-17 in Foster Care. The services worker shall arrange or provide the services necessary to ensure that preparation/education for the young adult formerly in foster care to achieve independence occurs.

(4) Initial Application, Renewal and Reinstatement for the Road to Independence Scholarship The Road to Independence Act provides specific direction for young adults formerly in foster care to renew or continue receiving benefits and to reinstate benefits for young adults whose scholarship benefits were interrupted and who wishes to begin receiving benefits again.

(5) Selecting the Appropriate Funding Source for Young Adult Services (Chafee or ETV).

(a) Two major types of federal funding sources are available to support the program for young adults formerly in foster care: Chafee funds and Education and Training Voucher (ETV) funds. The services worker shall determine the appropriate fund in order to comply with federal regulations and to maximize available funding.

(b) ETV funds have more restrictions than Chafee funds and shall be used for eligible students as the first option.

1. ETV may be used only for eligible students attending postsecondary (college, university or vocational) school either part-time or full-time.

2. Chafee funds may be used for any of the young adult services identified in Florida Statutes, though not for young adults age 21 or 22.

3. State funds must be used for young adults age 21 and 22 if they are not eligible for ETV funds.

(6) Young Adults Formerly in Foster Care with Children of Their Own.

(a) The services worker shall determine which funds may be used for children whose parents are young adults formerly in foster care.

(b) If the parent of a child in a dependency case is a young adult formerly in foster care, the processes required in Chapter 39, F.S., for any parent still apply. Case planning, case management and required contacts shall continue as with any other dependency case.

(7) Selection of Placements for Young Adults Formerly in Foster Care. Prior to his or her 18th birthday, each young adult formerly in foster care shall choose the placement that best

suits his or her needs. The services worker assigned to work with a young adult shall provide information to the young adult so as to assist in the best decision making.

(a) If the young adult elects to reside in the same or different licensed placement after reaching age 18, the services worker assigned to work with the young adult shall assist both the placement provider and the young adult understand the roles and the responsibilities of continuing this placement after the young adult's eighteenth birthday.

(b) A young adult who continues with the foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(8) Implementation Plan, Steps for Effective Implementation.

(a) Program for Young Adults Formerly in Foster Care. This plan shall be used in order to develop each departmental district/region or contracted service provider specific implementation plan.

(b) Steps for Effective Implementation.

1. Departmental districts/regions and contracted service providers shall designate staff responsible for receiving inquiries about services available to young adults formerly in foster care. The departmental district/region and contracted service providers shall also develop methods to provide information about ETV, prior to their 18th birthday, to youth adopted from foster care at ages 16 & 17, and to perform outreach for those adopted since July 1, 1999.

2. District/region and/or contracted service providers shall develop a process with fiscal/budget staff to ensure expedited and/or emergency assistance is provided.

3. District/region and/or contracted service providers shall develop a tracking system for approved cash assistance payments until such time as HSn can capture this information.

4. Pursuant to Chapter 39 and Section 409.1451, F.S., District/region and community-based care agencies must inform all youth aging out of foster care, prior to age 18, of these benefits.

(9) Education and Training Voucher Funds.

(a) Education and Training Voucher (ETV) Program Requirements.

1. Young adult must have been:

a. Adjudicated dependent, pursuant to Chapter 39, F.S., have been in the custody of the State of Florida on his or her 18th birthday and have spent at least 6 months in foster care prior to reaching his or her 18th birthday; or

b. Adopted from the Florida foster care system at age 16 or 17 as of July 1, 1999;

2. Young adults are potentially eligible for services from age 18 through age 22.

3. Initial application must be completed before 21st birthday.

4. Benefits from this and other federal sources may not exceed the "cost of attendance" at an "institution of higher education".

5. The young adult must be attending an institution of higher education.

6. The young adult may receive a maximum of \$5000 per year towards the payment RTI Scholarship awards.

7. ETV funds of up to \$5000 per year may also be used to pay for Transitional Support Services for students attending an institution of higher education on a part-time basis.

8. The young adult shall provide proof of enrollment and satisfactory progress.

(b) Application for ETV Funds.

1. Students applying for the Road to Independence (RTI) Scholarship will use the application form "Road to Independence Scholarship and/or ETV Funds Application", CF-FSP 5295, September 2005, incorporated by reference, unless they are attending school part-time. If determined eligible for ETV, a portion of the student's RTI scholarship award will be covered by ETV funds. The maximum per student per year is \$5000.

2. Students attending school at least part-time may receive ETV funds. These students shall complete the "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2005, incorporated by reference, and can receive up to \$5000 per year, which may be funded by ETV.

3. ETV funds are used for educational assistance currently authorized in Florida Statutes. The only new eligible group is young adults formerly in foster care adopted at age 16 or 17.

4. Chafee funds shall be used to cover the costs of Road to Independence Scholarships for high school/GED students, for those students attending institutions not meeting the federal definition of higher education, for transitional support services (exclusive of support for attendance at institutions of higher education), and for aftercare services.

5. Upon application for any independent living services, youth shall be provided with information regarding the appeal process, as well as the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2005, incorporated by reference. This includes applications for services made in anticipation of the youth's 18th birthday.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451 FS. History--New\_\_\_\_\_.

65C-31.003 Aftercare Support Services for Young Adults Formerly in Foster Care.

(1) The services worker shall provide support to young adults formerly in foster care through making of service referrals in the community to assist young adults in developing "the skills and abilities necessary for independent living".

(2) Eligibility for Aftercare Support. A young adult who leaves foster care at age 18 years of age but requests services prior to his or her 23rd birthday shall be eligible for aftercare support services. There is no formal written application to receive aftercare support service referrals.

(3) Application Process for Aftercare Support Cash Assistance.

(a) The services worker shall assist the young adult to receive cash assistance for housing, electric, water, gas, sewer service and emergency food, as necessary to prevent homelessness. Prior to arranging for the provision of cash assistance, the services worker shall explore the feasibility of agreements with community providers to waive fees, contacting relatives and other such options.

(b) The young adult shall complete the "Aftercare Support Services Cash Assistance Application", CF-FSP 5294, September 2005, incorporated by reference.

(c) If young adult requests further services, see Rule 65C-31.005, F.A.C., Transitional Support Services for Young Adults Formerly in Foster Care.

(4) Payment Requirements for Aftercare Support Services Recipients. The services worker responsible for the case shall choose between making one payment directly to the young adult formerly in foster care or, at the request of the young adult, paying all or a portion of the funds to a service provider.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(a) FS. History--New\_\_\_\_\_.

65C-31.004 Road to Independence Scholarship.

(1) Initial Application for Scholarship Eligibility. Each student, with the assistance of the services worker if requested by the young adult, shall complete an RTI Scholarship Application. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file.

(a) For the initial award, a young adult formerly in foster care must:

1. Be age 18, 19 or 20;

2. Have been a dependent child pursuant to Chapter 39, F.S.;

3. Be or have been in the legal and/or physical custody of the Department of Children and Families at the time of his or her 18th birthday.

4. Have spent at least 6 months in foster care before reaching his or her 18th birthday, which may include the time the youth spent in shelter status in state custody;

5. Be a resident of Florida per Section 1009.40, F.S.; and

6. Meet one of the following educational requirements:

a. Earned a standard high school diploma or its equivalent as described in Section 1003.43, F.S., or Section 1003.435, F.S., or earned a special diploma or special certificate of completion as described in Section 1003.438, F.S., and has

been admitted for full-time enrollment in an eligible postsecondary education institution as defined in Section 1009.533, F.S.

b. Is enrolled full time in an accredited high school, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation; or

c. Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation.

(b) In addition, young adults age 18 up to their 23rd birthday who were adopted from foster care at age 16 or 17 and are attending an institution of higher education, whether on a full or part time basis, and meet the other criteria set forth for scholarship eligibility are eligible to receive the scholarship award. The same application shall be used for children adopted at age 16 or 17 applying for ETV funds. These funds are intended to assist in meeting the student's living expenses or provide for basic personal needs.

(c) Application Process for Scholarship.

1. The services worker shall assist each youth between the ages 17 years, 6 months and 18 years of age to apply for the Road to Independence Scholarship. The youth shall:

a. Complete the application.

b. Obtain document of proof of enrollment.

2. Each departmental district/region or contracted service provider shall designate a services worker to assist each young adult applying for or receiving independent living services. The young adult shall submit his or her application to the Independent Living services worker designated by the department or its contracted service provider. The Independent Living services worker shall have 10 working days to review the application and approve or deny the scholarship award or, if not the approval authority, shall forward the request to the approval authority early enough to have it approved within the ten day period.

3. If approved, the services worker or Independent Living services worker shall notify the youth in writing within 10 working days of the determination. The monthly scholarship award shall be distributed at the beginning of the month that the recipient turns 18 years of age or, if approval occurs after the youth's 18th birthday, at the beginning of the next month following approval of the application. For youth approved prior to their 18th birthday, the first monthly scholarship award shall not be prorated regardless of the day of the month recipient turns 18 years of age.

4. If the application is denied, the services worker or services worker shall notify the youth in writing within 10 working days of the determination and shall provide the youth the procedure for filing an appeal and the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11,

September 2005, incorporated by reference", and notify the youth of other available benefits, including transitional support services or aftercare support.

5. If a young adult formerly in foster care did not complete the application process prior to his or her 18th birthday, or if the application was not approved, the young adult may apply once prior to his or her 21st birthday. The eligibility requirements contained in paragraph 65C-31.004(1)(a), F.A.C., apply. No retroactive benefits are available due to delayed completion of the application process by the youth.

(2) Scholarship Renewal. The services worker shall evaluate for renewal each scholarship award annually during the 90-day period before the student's birthday. In order to be eligible for a renewal award for the subsequent year the student shall:

(a) Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

(b) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(3) Scholarship Reinstatement. A student who has lost eligibility for the RTI scholarship or who choose not to renew the award may apply for reinstatement one time before his or her 23rd birthday using "Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2005, incorporated by reference. In order to be eligible for reinstatement the student must meet the eligibility criteria and the criteria for scholarship renewal.

(4) RTI Scholarship Needs Assessment. An RTI Needs Assessment must be completed on each student who has been awarded the RTI scholarship.

(a) State Requirements. The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult.

(b) Federal Requirements. The total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher

Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal and Federally supported programs.

(5) Payment Requirements for Scholarship Recipients.

1. The services worker responsible for the case shall determine how the monthly scholarship awards will be paid according to either of the two following methods:

a. Direct payment to the young adult.

b. Payment of a portion of the scholarship award to a service provider and the balance to the young adult, if requested by the young adult. If the young adult makes this request, it must be made in writing.

2. ETV funds are available pursuant to the following.

a. For students attending an institution of higher education, including community college, university or vocational education courses. High school or GED attendance does not qualify.

b. For youth adopted at age 16 or 17 from foster care who are attending an institution of higher learning.

c. Part-time attendance at an institution of higher education may qualify young adults under Florida's transitional support services component.

(g) Renewal of Road to Independence Scholarships.

1. Young adults formerly in foster care are required to renew their scholarships on an annual basis.

2. Departmental districts/regions or contracted service provider agencies shall develop a plan for renewal of scholarships. At a minimum, the plan shall address the tracking and scheduling of scholarship renewals and those staff responsible for notifying for these activities as well as notifying the scholarship recipient of his or her obligations during the renewal period.

3. Each approved award shall be evaluated and renewed during the 90-day period prior to the young adult's birthday.

4. If the young adult is awarded a scholarship within 90 days prior to his or her next birthday, he/she is not required to file for renewal until the following birthday.

5. For young adults who were adopted from foster care at age 16 or 17, the same procedures established above shall be followed when renewing their ETV funds.

(h) Eligibility to Renew Road to Independence Scholarships. The young adult shall:

1. Make one application for the initial award prior to his or her 21st birthday.

2. Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

3. Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time

during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(i) Documentation Requirements for Scholarship Recipients. All eligible recipients shall:

1. Provide documentation of enrollment in a high school or institution of higher education; and

2. Provide documentation of progress made in his or her course of study during the most recently completed school term.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(b) FS. History--New \_\_\_\_\_.

65C-31.005 Transitional Support Services for Young Adults Formerly in Foster Care.

(1) A young adult formerly in foster care may request Transitional Support Services in addition to aftercare referrals, cash assistance or the Road to Independence Scholarship if the young adult demonstrates that the services are critical to his or her own efforts to achieve self-sufficiency and develop a personal support system.

(2) Eligibility/Assessment for Transitional Support. In order to be eligible, the young adult shall:

(a) Be age 18, 19, 20, 21 or 22;

(b) Have been a dependent child pursuant to Chapter 39, F.S.:

(c) Be or have been in the legal and/or physical custody of the Department of Children and Families at the time of his or her 18th birthday.

(d) Have spent at least 6 months in foster care before his or her 18th birthday.

(e) Demonstrate that the services are critical to his or her own efforts to achieve self-sufficiency and to develop a personal support system. The young adult shall complete a "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference, with designated staff of the department or its contracted service provider.

(3) If at any time the services are determined by the services worker as no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated or reapplication denied.

(4) Application Process to Receive Transitional Support Services.

(a) A Transitional Support Services application shall be completed by the young adult with assistance from the assigned services worker. The "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2005, incorporated by reference, shall be used to apply for these services.

(b) An application for Transitional Support Services is limited to a maximum three-month benefit period. A young adult may re-apply for Transitional Support Services after the three-month period but must demonstrate that the services are vital for achieving self-sufficiency.

(5) Transition Plan. Each young adult requesting transitional support services shall prepare a transition plan using "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference. This plan shall:

(a) Outline the types of services being provided by the department and the types of activities that the young adult will complete in order to achieve self-sufficiency.

(b) Be reviewed a minimum of every three months, if the young adult intends to re-apply for services, and adjusted according to the young adult's needs at the time of review and reapplication.

(6) Service Worker and Young Adult Contact Requirements. The services worker shall work with the young adult formerly in foster care to determine the need for contact.

(7) Payment Requirements for Transitional Support Services Recipients. Payments shall be made directly to the young adult formerly in foster care unless the young adult requests all or a portion of the funds be paid to a service provider. This request shall be made in writing.

(8) Confidentiality. The youth's status as a former foster youth and recipient of public benefits is confidential and shall not be revealed to anyone without the youth's permission. Staff shall not have direct contact with the youth's landlords or third parties, unless the youth provides written permission.

(9) Mandatory Access to Application for Services.

(a) Services workers shall process a young adult's request for assistance. If a young adult requests assistance in completing the application, the services worker shall provide the requested assistance.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department shall maintain application forms for the Road to Independence Scholarship, Transitional Support Services and Aftercare Support Services in a visible area and shall assist the youth with completing the application forms.

(10) Youth with Disabilities. Youth who have disabilities shall be provided with an equal opportunity to participate in the continuum of independent living services.

(a) Though a youth who has a physical, emotional, or learning disability may need additional support, he or she still is eligible for all independent living and post-18 services.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department involved in serving young adults formerly in the custody of the department shall provide youth with disabilities with reasonable accommodations and appropriate services to ensure the equal opportunities and participation of these youth.

(11) Youth who are Pregnant or Parenting. Youth who are pregnant or who are parenting shall be provided with an equal opportunity to participate in the continuum of independent living and post-18 services. The services worker shall assist these youth with accessing needed services, such as prenatal care, daycare, other public benefits, and appropriate housing.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(c) FS. History--New \_\_\_\_\_.

65C-31.006 Young Adult Services Documentation Requirements.

(1) General Documentation Requirements.

(a) Pursuant to federal documentation requirements, for each young adult receiving funding from the Road to Independence Scholarship, transitional support services and/or aftercare support services the department or its contracted service provider shall have an active case and a case file containing at minimum:

1. A document that contains current demographic information on the student such as, name, address, DOB, social security number, school attending, etc.

2. Completed applications signed by the young adult and review and approval authorities.

3. Follow up renewal applications or evidence of review of transitional support services cases.

4. Completed Needs Assessments for RTI cases.

5. Documentation to support eligibility requirements for the services provided.

(b) When requesting documentation from the young adult, the services worker shall use "Request for Road to Independence Scholarship Documentation" CF-FSP 5302, September 2005, incorporated by reference.

(2) Documentation Requirements for Aftercare Support Services. The following documentation requirements apply to both referrals and cash assistance.

(a) Requests for Aftercare Support service referrals shall be recorded in the young adult's case file.

(b) Requests for Aftercare support cash assistance to prevent homelessness shall be recorded in the young adult's case file. The application shall be kept in a hard copy file.

(c) The services worker shall verify the young adult is in need of services through an eviction notice; utility cut-off notice or similar document; estimate of move-in costs, or by assessing the situation through an interview with the young adult.

(3) Documentation Requirements for Road to Independence Scholarship. The services worker or other designated staff of the department or its contracted service provider shall maintain the following documentation in the case file of each young adult receiving the Road to Independence Scholarship to verify the young adult's eligibility for the initial application, ongoing eligibility, at renewal and for reinstatement.



(a) Initial Scholarship Approval Documentation Requirements. In order for a student to be eligible for the Road to Independence Scholarship.

1. Documentation of application(s) for the RTI Scholarship, including the initial, renewal and reinstatement applications. The services worker shall maintain the following documentation in the young adult's case file:

a. Renewal checklists.

b. Chronological entries of contacts made.

c. All completed scholarship applications, including as appropriate, the initial, renewal and reinstatement applications.

d. A log of financial disbursements, and

e. Any other pertinent supporting documentation.

2. Documentation for Eligibility Requirements.

a. Each student, with the assistance of the services worker, shall complete an RTI Scholarship Application. This "application" shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

b. Adjudication of dependency shall be documented by placement in the case file of at least one of the following documents:

(I) Adjudicatory Order if there is follow up documentation indicating that the student was placed in foster care.

(II) Dispositional Order if the order placed the student in foster care or if there is follow up documentation indication that the student was placed in foster care.

(III) Judicial Review Order if the order indicates that the student was adjudicated dependent and placed in foster care. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(IV) A Criminal Justice Information System (CJIS) if it is a complete report that includes adjudication date and date placed in foster care.

c. Documentation that the student was living in licensed foster care at age 18 shall be provided by placement in the case file of at least one of the following documents:

(I) Judicial Review Order or other Court Order if the order indicates that the student was living in foster care on his or her 18th birthday. The order may contain language releasing child from foster care on 18th birthday. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(II) An Integrated Child Welfare Services Information System (ICWSIS) printout showing child in placement on 18<sup>th</sup> birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

d. Documentation that the student spent at least 6 months in foster care before reaching his or her 18th birthday shall be provided by placement in the case file of at least one of the following documents:

(I) An Integrated Child Welfare Services Information System (ICWSIS) printout providing at least six months of residing in licensed care prior to the students 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

(II) A Statewide Automated Child Welfare Information System printout showing six months of licensed placement.

e. Documentation that the student is a Florida resident shall be provided by placement in the case file of at least one of the following documents:

(I) Driver's license or Florida Identification card.

(II) Document proving Florida residence, including but not limited to, a copy of a RTI check, an electric bill, a lease, a current school enrollment form.

3. Documentation for Educational Requirements.

a. Full-time enrollment by the student in university, college or community college shall be documented by placement in the case file of at least one of the following documents:

(I) A current enrollment form or letter from the institution clearly showing the student enrolled for at least 12 credit hours.

(II) If the student is enrolled fewer than 12 hours, a current enrollment form or letter from the institution stating that the student is enrolled full-time.

b. Full-time enrollment by the student in vocational school, high school or GED shall be documented by placement in the case file of an enrollment form or letter from the school that states that he or she is a full-time student.

c. Students must be able to periodically prove that they continue to be enrolled and attending school full-time. This shall be verified by placement in the case file of at least one of the following forms of documentation:

(I) A progress reports from the school.

(II) Document in case notes that a school official has been contacted and has verified continued full-time enrollment of the student. The name, title, school and phone number for the school official who has been contacted shall also be included in the case note.

d. At the end of each semester the student shall provide the following documents and a copy shall be placed in the case file:

(I) A report card showing completion of classes registered for previously; and

(II) An enrollment form or letter from the educational institution showing full-time enrollment for the following semester.

(b) Scholarship Renewal Documentation Requirements.

1. For each student the services worker shall complete a “Road to Independence Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2005, incorporated by reference. The completed checklist shall be signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

2. The case file shall also contain:

a. Proof of full-time enrollment at the institution, unless exempted, and

b. Proof satisfactory progress at the institution.

(c) Scholarship Reinstatement Documentation Requirements.

1. Each student who wishes to apply for reinstatement shall complete a “Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application”, CF-FSP 5297, September 2005, incorporated by reference.

2. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

3. The case file shall also contain:

a. Proof of eligibility.

b. Proof of full-time enrollment at the institution, unless exempted, and

c. Proof satisfactory progress at the institution.

(d) RTI Scholarship Needs Assessment. An RTI Needs Assessment shall be completed on each student who has been awarded the RTI scholarship. See Rule 65C-31.007, F.A.C., High School Needs Assessment, and Rule 65C-31.008, F.A.C., Postsecondary Needs Assessment.

(4) Documentation Requirements for Transitional Support Services.

(a) A case shall be open in the Statewide Automated Child Welfare Information System and a hard copy case folder is required for any documentation not contained in the electronic system.

(b) Staff are required to maintain the following documentation in the youth’s case file: chronological entries to document face to face contacts, phone calls, and other contacts such as letters, facsimile transmissions or e-mail correspondence, documentation of referrals for services and documentation of young adults progress in attaining his or her transition plan, including:

1. Completing the attached application.

2. Obtaining a copy of documentation of grade point average.

3. Obtaining document of proof of enrollment.

4. Performing any other specific tasks identified in transition plan.

(c) Other required documentation for Transitional Support Services that shall be maintained in the case file is:

1. The completed transitional support services Application.

2. The completed transitional plan, and

3. Documentation that the young adults meets the requirements for eligibility for transitional support services.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a),(c),(d), (5)(a)-(c) FS. History—New \_\_\_\_\_.

65C-31.007 High School Needs Assessment.

(1) The Road to Independence Scholarship Needs Assessment for high school education has been developed to determine the funding needs of a young adult student formerly in foster care attending high school after considering other income sources.

(2) Procedure:

(a) Before completing the Road to Independence Scholarship Needs Assessment, the services worker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

(d) If the student has not provided all necessary documentation and information the services worker shall provide a written list of items needed for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted to ensure that benefits will not be reduced or interrupted. This list shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed;

2. A date by which the information must be received; and

3. A statement that the student’s benefits will be initially established or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(e) No later than 30 days prior to the student’s 18th birthday, or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Elements of the Tool: The elements listed below correspond to the elements in the “Road to Independence Scholarship High School Needs Assessment Tool” CF-FSP 5299, September 2005, incorporated by reference. An explanation of each element and instructions for obtaining the correct figures are included. There is an electronic version of the form that will perform the required calculations as data is entered on the form.

(a) Total Cost of Attendance: The maximum award that a student can receive is equivalent to the amount one would earn by working a full-time federal minimum wage job. The monthly amount has been computed to a yearly amount and has been included in the “cost/need” column on the “Total Cost of Attendance” (COA) line. Deductions will be subtracted from this figure to establish the RTI award amount.

1. In addition to the RTI award, a high school student may apply for aftercare and/or transitional support services, when needed.

2. Funds received from aftercare and transitional support services do not count against the “cost of attendance” for high school students.

(b) Special Needs Allowance: If a student expects to incur special costs during the academic year the services worker shall obtain documentation of the special needs from the student and enter the amount on the “Special Needs Allowance” line on the needs assessment tool.

1. Costs that can be included in the “Special Needs Allowance” include but are not limited to: costs associated with a special field of study requiring additional costs such as nursing uniforms for nursing students, special equipment or assistance needed for disabled students, child care costs for students with dependent children, and medical or dental expenses not covered by medical insurance.

2. The services worker shall determine the validity of the request for special needs allowance, determine that the cost is associated with assisting in educational achievement and that the costs are not already included in the cost of attendance figure.

(c) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The services worker shall provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount.

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage.

2. Include the amount in the “income” column on the “Student’s Monthly Wages” line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(d) Income Protection Allowance: The “Income Protection Allowance” figure is already included on the needs assessment form. This figure is equal to what a student would earn by working 20 hours per week at Florida’s minimum wage computed over 12 months. Any student income less than or equal to this amount is disregarded for purposes of computing the scholarship amount. This means that a student may work the equivalent of a part-time job at Florida’s minimum wage without impacting his or her RTI award.

(e) Student’s Available Income: This is the amount of student income after deducting the “Income Protection Allowance.” The electronic version of the form calculates this amount automatically.

(f) Contribution from Income: The federal financial aid application process allows for half of the “Student’s Available Income” to count as a deduction when determining financial need. The electronic version of the needs assessment form automatically calculates the “Contribution from Income” figure and enters it in the “deductions” column.

(g) Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the student is receiving funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his or her living needs. Any child support or other funds received (i.e. WAGES, Food Stamps, etc.) on behalf of the student’s child shall not be included as income in the needs assessment.

(h) Totals: The electronic version of the needs assessment form automatically calculates the totals in the “cost/need” column and the “deductions” column.

(i) Total Need: The electronic version of the needs assessment form automatically subtracts the “deductions” from “cost/need” to get the “total need” amount.

(j) Adjusted Total Need: If the “Total Need” figure exceeds the amount equal to a full-time federal minimum wage job computed over 12 months the electronic version of the needs assessment form will automatically adjust the figure to that amount and enter the adjusted figure in the “cost/need” column.

(k) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year (July 1st through June 30th). These funds shall not be factored as a deduction for the monthly scholarship award.

(l) Monthly Scholarship Award: The electronic version of the needs assessment form automatically calculates the monthly award amount by dividing the “adjusted total need”

by 12 months. The electronic version of the form automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month.

(4) Needs Assessment Totals. The bottom of the electronic version of the needs assessment form displays calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. The totals calculated are:

(a) Total Earned and Unearned Income: This shows the student's annual amount of Earned Income plus Other Income, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Total Annual Income Available to the Student: This is the amount of income from all sources and represents the total amount of income available to the student for educational and living needs.

(d) Monthly Income Available to the Student: This is the amount of income available to the student on a monthly basis.

(5) Documentation and Signature.

(a) The services worker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 11, incorporated by reference, attached to the needs assessment tool.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451 (5)(b)4. FS. History--New \_\_\_\_\_.

65C-31.008 Post Secondary Needs Assessment.

(1) The Road to Independence (RTI) Scholarship Needs Assessment for post secondary education has been developed to determine the funding needs of an adult student formerly in foster care attending a postsecondary institution after considering other income sources and educational scholarships.

(2) Procedure:

(a) Before completing the Road to Independence Scholarship needs assessment, the services worker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month. The total amount of federal funds

provided to a student from all federal sources shall not exceed the "total cost of attendance" figure for the educational institution.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

(d) If the student has not provided all necessary documentation the services worker shall provide a written list of items necessary for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted. The list shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed; and

2. A date by which the information must be received; and

3. A statement that the student's benefits will be initially established at or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(e) No later than 30 days prior to the student's 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Elements of the Tool: (For Postsecondary Students) The elements listed below correspond to the "Road to Independence Scholarship Post Secondary Needs Assessment" tool, CF-FSP 5300, September 2005, incorporated by reference. An explanation of each element and instructions for obtaining the correct figures are included. There is an electronic version of the form that will perform the required calculations as data is entered on the form.

(a) Total Cost of Attendance: Each university, college, community college and vocational school establishes a "Total Cost of Attendance" figure. "Cost of Attendance" (COA) is also used in determining the student's financial need for federal scholarships such as the Pell Grant. This figure is an average cost for a student to attend the institution including tuition and fees, room and board, transportation and other costs. If the student is paying his or her own rent or dorm fees, a room and board amount must be included in the COA. The COA figure can be obtained by visiting the institution's website or by contacting the institution directly. It has been noted that not all institutions supply a complete COA figure on their website. A protocol has been developed to assist in obtaining COA and room and board figures when this information is not readily available.

1. The protocol involves four (4) sequenced steps that are to be used in order, as needed:

a. Step #1. Obtain the Total Cost of Attendance information from the institution's website or call the institution directly. These figures are normally found in the "financial aid" section of the website;

b. Step #2. Go to the website recommended by the National Resource Center for Youth Development (NRCYD) ([www.nces.ed.gov/ipeds/cool/](http://www.nces.ed.gov/ipeds/cool/)) to obtain the missing information. After accessing the website, in order to find a particular educational institution, insert the state and the city in which the institution is located. This is the only information that will be needed to find most institutions;

c. Step #3. Use room and board figures from an institution in the same geographic area as the institution attended by the student;

d. Step #4. Contact the Department of Children and Families, Office of Family Safety for assistance.

1. Costs that can be included in the Special Needs Allowance include but are not limited to: costs associated with a special field of study requiring additional costs such as nursing uniforms for nursing students, special equipment or assistance needed for disabled students, child care costs for students with dependent children, and medical or dental expenses not covered by medical insurance.

2. Enter the cost of attendance figure in the "cost/need" column on the "Total Cost of Attendance" line.

(b) Special Needs Allowance: Many students incur costs that are not included in the school's cost of attendance figures. If a student expects to incur special costs during the academic year the services worker shall obtain documentation of the special needs from the student and enter the amount on the "Special Needs Allowance" line on the needs assessment tool. Summer school costs shall not be considered in this special needs category but shall be addressed in subsection (6) "Summer School Incentive."

2. The services worker must determine the validity of the request for special needs allowance, determine that the cost is associated with assisting in educational achievement and that the costs are not already included in the cost of attendance figure.

(c) Fee Exemption: Each institution's "cost of attendance" figure is broken down into several categories. Tuition and fees is one category in the COA. Enter the amount listed on the COA for average cost of tuition and fees in the "deductions" column on the Fee Exemption line. The full amount of "Fee Exemption" shall be entered unless the student provides proof that he or she was denied an exemption through no fault of his or her own.

(d) Federal Scholarships received: The annual amount of federal scholarships awarded. This includes Pell Grants and other federal scholarships and grants. The staff member must obtain a copy of the award letter or verify the amount of annual

scholarships provided to the student by contacting the institution. Enter the annual award amount in the "deductions" column on the "Federal Scholarships received" line.

(e) Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the student is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his or her living needs. Any child support or other funds received (i.e. WAGES, Food Stamps, etc.) on behalf of the student's child shall not be included as income in the needs assessment.

(f) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The services worker shall provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount, or

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage.

2. Include the monthly amount in the "income" column on the "Student's Monthly Wages" line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(g) Income Protection Allowance: The "Income Protection Allowance" figure is already included on the needs assessment form. This figure is equal to what a student would earn by working 20 hours per week at Florida's minimum wage computed over 12 months. Any student income less than or equal to this amount is disregarded for purposes of computing the scholarship amount. This means that a student can work the equivalent of a part-time job at Florida's minimum wage without affecting his or her RTI award.

(h) Student's Available Income: This is the amount of student income after deducting the "Income Protection Allowance." The electronic version of the form calculates this amount automatically.

(i) Contribution from Income: The federal financial aid application process allows for half of the "Student's Available Income" to count as a deduction when determining financial need. The electronic version of the needs assessment form automatically calculates the "contribution from income" figure and enters it in the "deductions" column.

(j) Other Grants and Scholarships from State and/or Community Sources: The services worker shall inquire whether the student is receiving any state or community scholarships and include the annual amount on the "income" column on the "Other Scholarships and Grants" line. A \$1500

disregard will automatically be provided and the "amount deducted" will automatically be calculated on the electronic version of the form and appear in the "deductions" column.

(k) Totals: The electronic version of the needs assessment form automatically calculates the totals in the "cost/need" column and the "deductions" column.

(l) Total Need: The electronic version of the needs assessment form automatically subtracts the "deductions" from "cost/need" to get the "Total Need" amount.

(m) Adjusted Total Need: If the "Total Need" figure exceeds the amount equal to a full-time federal minimum wage job computed over 12 months the needs assessment form will automatically adjust the figure to that amount and enter the adjusted figure in the "cost/need" column.

(n) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year. (July 1st through June 30th). These funds shall not be deducted from the COA and factored as a deduction for the monthly scholarship award. However these funds will show in the "Breakdown of Educational/Financial Resources Available to the Student" section and will count as federal funds received.

(o) Monthly Scholarship Award: The electronic version of the needs assessment form automatically calculates the monthly award amount by dividing the "Adjusted Total Need" by 12 months. The electronic version of the form automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month.

(4) Needs Assessment Totals: The bottom of the electronic version of the needs assessment form displays calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. The totals calculated are:

(a) Total Earned Income/State and Local Scholarships: The total amount of earned income plus state and local scholarships that are available to the student annually, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Federal Scholarships and Aftercare/Transitional: This is the annual amount of federal scholarships received by the student, including Pell Grants and the amount of Transitional Support and Aftercare Support funds received.

(d) Other Federal Income: (SSI/SSA Benefits): This is the annual amount of SSI or SSA income received by the student.

(e) Federal Funds Received Counting Toward COA: This is the total amount of federal scholarships including RTI and Pell Grants along with transitional support and aftercare support funds received.

(f) Amount below COA: This is the amount remaining after considering federal funds received counting toward COA.

(g) Total Federal Funds Received: This is the annual RTI Scholarship Award plus Federal Scholarships and Other Federal Income. This amount cannot exceed the "Total Cost of Attendance for 2004-2005" figure from the top of the page.

(h) Total Annual Income Available to the Student: This is the amount of income from all sources and represents the total amount of income available to the student for educational and living needs.

(i) Monthly Income Available to the Student: This is the amount of income available to the student on a monthly basis.

(j) Average Annual Fee Exemption: This is the amount of funds the student saved by using the "Fee Exemption."

(5) Documentation and Signature:

(a) At the face to face meeting with the student, the services worker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 11, incorporated by reference, attached to the needs assessment tool.

(6) Summer School Incentive:

(a) As an incentive for postsecondary students to attend summer school the student may be provided funds through Transitional Support Services in addition to the student's regular RTI award stipend. Funds provided to the student attending summer school will not be counted in the needs assessment and will not affect the total cost of attendance figures. In order to qualify for these funds the following conditions must be met:

(b) The student must first complete the Transitional Support Services application to request the "Summer School Incentive." Once the application has been completed:

1. The student may qualify for up to \$1500 for attending summer school if:

a. The student provides proof of full-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student.

Or

2. The student may qualify for up to \$750 for attending summer school if:

a. The student provides proof of, at least, part-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student.

(c) This incentive shall not be provided to students that require summer school enrollment to make up for failed classes or to make up work for classes from previous semesters.

(7) Considerations:

(a) Each student applicant shall apply for the fee exemption if attending a public university, college, community college or vocational school.

1. If the student has been provided the appropriate paperwork and fails to submit it to the educational institution, the full amount of average tuition and fees shall be entered in the Fee Exemption line.

2. If the student, through no fault of his or her own, is not provided a fee exemption by the educational institution and is then required to pay tuition and fees, no deduction shall be taken.

(b) Each student shall make application for federal financial aid through the Free Application for Federal Student Aid (FAFSA).

1. If the student does not make application for federal aid or does not provide a financial aid award letter, the full amount of Pell Grant award shall be entered in the Federal Scholarships Received line.

2. If the student makes application but is not awarded a federal scholarship, no deduction shall be taken as long as the denial is verified.

3. If the student is unable to make application through no fault of his or her own, no deduction shall be taken for one semester but a re-determination of award shall be scheduled prior to the next semester.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(b)4. FS. History—New \_\_\_\_\_.

65C-31.009 Independent Living Benefits Due Process Notification.

(1) The Independent Living program and its departmental or contracted service provider staff shall seek to treat all young adults fairly and to afford them due process. A young adult applying for or receiving Independent Living benefits has the right to receive adequate written notice of adverse actions by the department or its contracted service provider, to present grievances about adverse actions by the department or its contracted service provider, and to resolve issues about eligibility by meeting informally with representatives of the department or its contracted service provider or through the fair hearing process.

(2) The services worker shall, at the time of application for in for independent living benefits, provide the applying young adult a copy of the brochure “Independent Living Benefits Due Process Rights”, CF/PI 175-11, September 2005, incorporated by reference. As stated in the brochure, the young adult’s services worker shall be available to help with the request for a fair hearing at any time that an adverse decision is made regarding the benefit.

(3) Actions by the department or its contracted service provider that require due process notification:

(a) The young adult is for any reason initially determined to be ineligible for any Independent Living benefit;

(b) The young adult is denied an Independent Living benefit due to lack of available funding;

(c) The young adult’s services are reduced or terminated for any reason other than at the request of the young adult;

(4) Actions by the department or its contracted service provider that require confirmation: Voluntary reductions or terminations of services by a young adult. Due process notification is not required for these voluntary actions on the part of the young adult.

(a) A voluntary decision made by a young adult to reduce, terminate, or suspend services does not require due process notification. A decision to reduce, terminate, or suspend services is voluntary when the young adult determines that he or she does not need the service or scope of the service at issue and requests a reduction or termination of the service without being pressured to do so by staff of the department or its contracted service provider.

(b) Each young adult who makes a voluntary reduction or termination shall be allowed ten calendar days from the date the letter of confirmation was sent to reconsider. If after ten calendar days the young adult has not contacted the services worker in response to the letter of confirmation, the reduction or termination shall take effect.

(c) If the young adult contacts the services worker within ten (10) days to indicate that he or she does not agree to a voluntary reduction or termination of services, then services shall continue.

(5) Common bases on which Independent Living funding requests may be denied, or otherwise acted on in a manner adverse to the beneficiary. Most often, a request for Independent Living funding may be adversely acted upon (i.e., denied, reduced, or terminated) for one of the three following reasons:

(a) The young adult does not qualify for post-foster care Independent Living benefits;

(b) The young adult is not eligible (or is no longer eligible) for the Road to Independence Scholarship, or is eligible only for a reduced amount; or

(c) There are no available funds for Independent Living benefits.

(6) Determination of Service Denial. A determination regarding eligibility or continued eligibility for an Independent Living benefit shall be made by the young adult's services worker.

(7) Supervisory review of the determination prior to issuance of a letter denying, terminating, reducing or suspending an Independent Living benefit shall occur as follows:

(a) Before a letter is issued that denies, terminates, or reduces an Independent Living benefit request, the supervisor of the Independent Living services worker shall review the letter.

(b) The supervisory review shall consist of a review of all documents relied upon in denying, reducing, or terminating the service request, to ensure that the necessary documentation is present and to ensure that the decision to deny the service is supported by the documentation and pertinent policies regarding the requested Independent Living benefit.

(c) The purpose of the supervisory review is to ensure that the correct decision has been made with respect to the request for services. If the supervisor determines that an incorrect decision has been made, the service shall not be denied, but rather approved. If the supervisor determines that the denial was appropriate, the supervisor shall document that the supervisory review has occurred.

(d) Only after the supervisory review is successfully completed, and a determination is made by the supervisor that the denial is appropriate, shall the due process notification letter regarding denial, reduction, or termination of Independent Living benefits be issued (See attached Sample Letters, Attachments "A" through "D"). A decision to deny, reduce or terminate benefits shall be documented on "Documentation of Supervisory Review for Notices of Denial, Reduction or Termination of Benefits" or an alternate form that provides the same information (See Attachment G).

(8) Signing the Letter/Notice of adverse action. After the supervisory review is successfully completed, the young adult's services worker shall sign the letter notifying the young adult of the intended adverse action and providing due process information.

(9) Notification of Adverse Action. The services worker shall provide written notice to the young adult regarding any of the actions listed in subsection 65C-31.009(3), F.A.C.

(a) In the Notice, the young adult shall be advised of his or her right to request a fair hearing in accordance with 45 CFR § 1355.30 and 45 CFR 205.10.

(b) The notice shall notify the young adult of the adverse action and the date the young adult can expect that action to be implemented.

(c) The services worker shall inform a young adult of the adverse action regarding eligibility within the following time frames:

1. One (1) calendar day of receiving a request for aftercare assistance to prevent homelessness;

2. Five (5) business days of receiving a request for transitional benefits or aftercare benefits other than assistance to prevent homelessness; OR

3. Ten (10) business days of receiving a request and required documentation for the Road to Independence program.

(d) Notices regarding reduction or termination of benefits shall be sent at least 10 days in advance of the adverse action. The notices shall provide the day prior to the effective date of the reduction or termination as the deadline for a request for a fair hearing to continue benefits until the hearing process is complete. If the day prior to the effective date is on a weekend or holiday, the deadline must be on the effective date itself.

(10) Form of Notification. Notification shall be in writing. One of the attached sample letters shall be used to notify young adults of the adverse action (See Attachments "A" through "D"). All relevant reasons for the adverse action must be indicated on the appropriate notice.

(a) The completed notification shall include notice of action, reason(s) for action, and relevant citations. The form shall be completed in its entirety and all relevant blanks shall be filled in. If there are multiple reasons for denial, reduction, or termination, all shall be listed.

(b) A "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2005, incorporated by reference, and the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September 2005, incorporated by reference, shall be attached to the Notice.

(c) A Notice that pertains to fair hearing rights shall include the name, address and phone number of the services worker responsible for providing Independent Living Services to the young adult.

(d) The Notice shall be sent by Certified Mail or provided to the young adult by hand delivery. Documentation of hand delivery shall be made in the young adult's file contemporaneously with the hand delivery. The certified mail receipt shall also be placed in the young adult's file.

(e) Timeframes for response shall be clearly defined.

1. The request for a fair hearing shall be received by the services worker no later than thirty (30) calendar days from the date the notice was mailed or hand delivered to the individual.

2. If a request for hearing is received by the services worker on or before the day prior to the effective date of the reduction or termination of benefits, those benefits shall continue at their current level until the fair hearing process is completed. If the day prior to the effective date of the reduction or termination is on a weekend or holiday, the deadline to request a fair hearing and continue benefits shall be the effective date of the reduction or termination. The deadline shall be clearly stated in the Notice.



(f) The request for a fair hearing may be made orally or in writing.

1. The form "Oral Request for Fair Hearing "CF-FSP 5303, September 2005, incorporated by reference, shall be used by the services worker to document oral requests for a fair hearing.

2. Written requests shall be prepared by the young adult on "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2005, incorporated by reference.

3. The right to request a fair hearing shall be exercised within thirty (30) days of the date the notice of adverse action was mailed or hand delivered. However, the issue of whether a request was timely made is one that shall be determined by the hearing officer. A request for a hearing can be rejected or dismissed only by the hearing officer. Therefore, if a request for a hearing is not within the given timeframes, the request shall not be refused. It shall be taken and forwarded to the Florida Department of Children and Families Office of Appeal Hearings with a notation on the "Independent Living Fair Hearing Request", which is used as a Fax cover sheet, (Attachment F) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

(11) Timeframes.

(a) Response to a Notice of Action of Termination or Reduction of Existing Benefits. When a young adult receives notice of recommended action from the services worker, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed or hand delivered to the young adult.

2. When a request for a fair hearing is made at least one calendar day prior to the date of the reduction or termination of benefits, (See attached Sample Letters, Attachments "B" and "C"), the request shall suspend or stay the termination or reduction action until the conclusion of the hearing process. If the day prior to the date of the reduction or termination is a weekend day or holiday, a request for a fair hearing received on the date of the reduction or termination shall also suspend or stay the reduction or termination action until the conclusion of the hearing process.

(b) Response to a Notice of Action of Denial of an Application for Benefits. When a young adult receives notice of denial of benefits (for benefits which have not yet been received, rather than the reduction or termination of benefits currently being received) from the services worker, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed to the young adult.

2. The young adult shall not receive the denied services until the hearing officer rules in favor of the individual (but may receive other services for which he or she has not been denied).

(12) Transmittal of Hearing Request to the Department or Its Contracted Service Provider.

(a) The completed "Oral Request for Fair Hearing" form or the written request on the "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits" form and a copy of the Due Process notice letter shall be faxed by the services worker, using as a cover sheet the form "Independent Living Fair Hearing Request" (Attachment F), within one (1) business day of receipt to the District Legal Counsel, the Attorney General's Office and the Office of Appeal Hearings of the Department of Children and Families, whose address and fax number is noted on the cover sheet (Attachment F).

(b) The services worker receiving the request shall forward a copy of all documentation supporting the decision regarding the Independent Living benefit at issue to the District Legal Counsel and the Office of the Attorney General within three (3) business days.

(13) Additional Local Preparation for Fair Hearings.

(a) The services worker receiving the request shall immediately prepare copies of the young adult's complete Independent Living file to provide to both the young adult and the legal representative for the department or its contracted service provider. The services worker shall provide the complete file to both the young adult and the legal representative for the department or its contracted service provider, whether or not a request has been made.

(b) The Office of the Attorney General (OAG) will appear as counsel to defend the adverse action only if the OAG has received copies of the written request, the due process letter, and all the documentation supporting the decision at least 14 days before a scheduled hearing. Otherwise, the District Legal Counsel is responsible for the hearing.

(c) The services worker responsible for the young adult's Independent Living benefits case (the services worker in the county where the young adult's involvement in independent living services originated) shall coordinate and participate in the Fair Hearing, even if the hearing takes place in a different county or district. The Fair Hearing will take place wherever the young adult lives.

(d) Staff in each departmental zone shall be available to provide technical assistance regarding Independent Living requirements to counsel for the department and its contracted service provider in preparation for the Fair Hearing. Therefore, the legal representative for the department and its contracted service provider shall be provided access to the young adult's Independent Living file by departmental zone staff when needed as part of trial preparation.

(14) Update to the department's Interim Child Welfare Services Information System (ICWSIS) or contracted service provider payment system:

(a) Update after initial notice of termination or reduction.

1. No update shall be made to the ICWSIS system to reduce or terminate funding for any service until the 11th day after the notice was sent to the individual, or the effective date of the reduction, whichever occurs later, and only if the individual has not requested a hearing and continuation or reinstatement of services.

2. If the young adult files for a hearing in accordance with the timeframes in subsection 65C-31.009(11), F.A.C., no adjustment shall be made to ICWSIS until after the appeal hearing decision is rendered.

(b) Update after Hearing Officer's decision.

1. If ICWSIS was not initially adjusted and the decision is in favor of the Department, ICWSIS will be adjusted within five days after the Department receives a copy of the order to reflect the decision of the officer.

2. If the decision is in favor of the individual and ICWSIS had not been adjusted because the individual requested a hearing in accordance with subsection 65C-31.009(11), F.A.C., then no change shall be made to ICWSIS and services will continue.

(15) Local [Informal] Review. Upon receipt of a Request for Hearing, an informal Local Review is mandated prior to the Fair Hearing itself.

(a) In view of the fact that a hearing may be scheduled fairly quickly, the Local Review shall occur no later than 10 days after receipt of the request for hearing. This Review shall mirror the supervisory review done prior to the issuance of the due process letter (Section 6 above).

(b) The Local Review shall be done by the local department administrator or the administrator of its contracted service provider in charge of the Independent Living program in consultation with the services worker's supervisor.

(c) The Local Review shall include an informal meeting with the young adult and/or the young adult's legal representative, if the young adult requests such a meeting.

(d) The young adult or the young adult's legal representative shall be provided, without charge, with a copy of all of the records and documents of the department or its contracted service provider relating to the denied, reduced, or terminated benefit within three (3) business days of the receipt of the Request for a Hearing by the department or its contracted service provider.

(e) If the Local Review or interview resolves the issue to the satisfaction of the young adult, the request for hearing shall be withdrawn. Should an error be discovered during the Local Review, immediate action shall be taken to rectify it, and the young adult or the young adult's legal representative shall be advised.

(f) The informal review determination by the department or its contracted service provider, including specific findings, shall be provided in writing to the young adult or the young adult's legal representative, the District Legal Counsel, the Office of the Attorney General and the Department's Office of Appeal Hearings.

(16) Hearing Officer Decisions for all due process actions regarding denials, reductions and terminations of service.

(a) Hearing Officer Rules in favor of the department or its contracted service provider.

1. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, the services worker shall terminate or reduce services if they were continued or reinstated during the appeals process. The services worker shall implement the order five (5) days after the date the order is received by the department or its contracted service provider. The services worker shall immediately notify the young adult or the young adult's legal representative in writing informing him or her of the hearing officer's order and the effective date of the termination or reduction.

2. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, and the services have not been continued during the appeal process, the department or its contracted service provider does not need to take any further action regarding the services at issue. The Final Order shall be sent directly to the young adult and the young adult's legal representative as well as to the services worker.

(b) Hearing Officer Rules in favor of the Individual.

1. If services were discontinued pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then service(s) shall be reinstated according to the hearing officer's decision. This decision shall make clear the required corrective action, including retroactive payment. The services worker shall reinstate services according to the hearing officer's decision within five (5) business days of the date the department or its contracted service provider receives the order.

2. If services were continued or reinstated pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then the service(s) shall continue in accordance with the hearing officer's decision.

3. If services were denied, the services worker shall provide those services, pursuant to the hearing officer's decision, within five (5) business days of receiving the order.

(17) Termination upon failure to renew Road to Independence Scholarship. When a services worker is unable to update a young adult's Road to Independence Scholarship during the 3 months prior to the young adult's birthday due to an inability to either locate or gain the cooperation of the young adult, the following action shall be taken:

(a) The services worker shall document in the case file “due diligence” in trying to locate or secure the cooperation of the young adult to update his or her continued eligibility for the Road to Independence Scholarship. This shall include checking with the post office for a forwarding address and sending the Request for Road to Independence Documentation form to the last known address, requesting forwarding by the post office, and allowing the individual 30 days from date of receipt (or 35 days from date the letter is mailed) to contact the services worker and renew the Road to Independence Scholarship.

(b) If after 35 days, there has been no contact by the young adult, or if it has been verified that the young adult has been terminated from the rolls of the post-secondary school, a letter (See Attachment “C”) shall be sent by U.S. mail, certified, return receipt, to the last known address to notify the young adult that he or she is terminated from the program. The effective date of termination shall be calculated at 35 days following the date the oral request form was mailed.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(e) FS. History–New\_\_\_\_\_.

#### 65C-31.010 Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department.

##### (1) Continued Court Jurisdiction for Young Adults Formerly In The Legal Custody of the Department.

(a) These requirements apply to all staff providing services to children in custody of the department and young adults formerly in foster care who wish to petition the court for continued jurisdiction, as well as, young adults whose jurisdiction has been retained for the purpose of allowing continued consideration of a special immigrant juvenile status petition and application. The young adult shall use the “Petition to Extend Jurisdiction or to Reinstate Jurisdiction and to Schedule Hearing” CF-FSP 5301, September 2005, incorporated by reference.

##### (b) Reasons for Continuing Court Jurisdiction for Young Adults:

1. A youth may petition the court, for continued jurisdiction, anytime before his or her 19th birthday. This jurisdiction may continue for a period not to exceed one year beyond the youth’s 18th birthday. The youth does not maintain “foster care” status as those who are under the age of 18, but instead the courts maintain jurisdiction for the purpose of determining whether the young adult is receiving appropriate adult services, which may include:

- a. Aftercare Support;
- b. Road-to-Independence Scholarship;
- c. Transitional Support;
- d. Mental Health; and
- e. Developmental Disabilities Services.

2. The court may retain jurisdiction over a previously dependent young adult solely for the purpose of allowing continued consideration of a petition for special immigrant

juvenile status and an application for adjustment that was not granted by the time the youth reached 18 years of age. Court jurisdiction in these cases:

a. Terminates upon the final decision of the federal authorities or upon the young adult’s 22nd birthday.

b. Does not affect the status of the services available to a young adult under Section 409.1451, F.S.

c. Does not require a petition from the youth. Courts themselves may retain jurisdiction.

##### (c) Judicial review responsibilities.

1. Continued jurisdiction to monitor adult services. The services worker and Child Welfare Legal Services attorney shall participate in judicial review hearings for young adults as required by the court and shall provide reports to the court, as requested.

2. Continued jurisdiction to monitor special immigrant juvenile status. Review hearings for the young adults shall be for the sole purpose of determining the status of the petition and application.

##### (d) Case Management responsibilities.

1. Case management to ensure delivery of appropriate young adult services. Though case management for young adults is not required, the department or its contracted service provider shall assign a services worker to provide any needed case management services and provide reports required by the court. Responsibilities of the services worker shall be to:

a. Monitor the provision of aftercare support, RTI scholarship and transitional support services to ensure that services are being provided as authorized by law.

b. Collaborate with staff from adult mental health and developmental disability services to ensure appropriate services are being provided as authorized by law.

c. Provide judicial review and/or other status reports to the courts as directed.

2. Case management for special immigrant juvenile cases. Once the petition and application has been filed on behalf of a foster child very little case management responsibilities exist once the age of majority is reached. Disposition of the case rests with the federal authorities and the only case management responsibilities shall be to check the status of the case periodically and report to the court when directed to do so.

##### (2) Provision of Foster and Group Home Placement for Young Adults Who Are Eligible for The Road-To-Independence Scholarship.

(a) These requirements apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to inform the youth of the option for placement in licensed care after reaching age 18 and to arrange for these placements.

(b) Case Management responsibilities for licensed placement after age 18.

1. Children Under the Age of 18. Prior to the youth reaching the age of 18, the services worker shall ensure that the youth is aware of licensed care placement options after the age of 18. In order to ensure that the youth is aware of this option the services worker shall:

a. Provide the youth with all necessary information relating to the RTI scholarship, including eligibility requirements, application forms and assistance in completing the forms.

b. Inform the youth that, if he or she is eligible for the RTI scholarship, he or she may reside in a licensed foster care placement, arranged by the department or its contracted service provider, after the age of 18.

c. Consult with the youth and his or her foster parents or group home provider as early as possible during the youth's 17th year to discuss the possibility of continued placement after the youth's 18th birthday.

d. If the youth's current placement will not be available once he or she reaches age 18 and the youth wishes to be placed in another licensed home that will provide residence after age 18, the services worker shall research other placement options as early as possible in order to provide a smooth transition.

2. Young Adults Age 18 and Over. A young adult formerly in the legal custody of the department is eligible to remain in his or her foster or group home, or another licensed placement arranged by the department or its contracted service provider as long as he or she remains eligible for the RTI scholarship.

(c) Payment of Board Rate. The board rate payment for foster or group home placement shall come from the young adult's RTI scholarship award.

1. Since group home rates are in many cases higher than the RTI award, when a young adult continues to reside in a group care facility the services worker shall attempt to negotiate a lower rate or make other arrangements, such as young adult contribution from earned income or state or community funds available to the department or its contracted service provider to make up the difference.

2. The services worker responsible for the case shall choose one of two ways to ensure the young adult receives his or her RTI scholarship award and that the board rate payment is made. The young adult shall either:

a. Receive 100% of his or her scholarship award and enter into a contract with the foster parent or group home to make monthly board payments; or

b. Have two checks generated for his or her scholarship award. One check would be generated by the department or its contracted service provider and paid directly to the foster or group for board rate payment and a second check would be generated for any remaining award funds to be sent directly to the young adult.

(d) Conduct and House Rules. Although these students are considered adults they shall be informed of rules that they must follow in order to be able to continue in the placement.

(3) Medical Assistance for Young Adults Formerly in Foster Care.

(a) The department is obligated to enroll in the Florida KidCare Program, outside the enrollment period, specified young adults following foster care placement. Each young adult who has reached age 18 years of age but is not yet 19 years of age and who was in licensed foster care when he or she turned 18 years of age, is eligible to enroll, with the following exceptions:

1. A young adult who has exited foster care and has health insurance coverage from a third party through his or her employer, or

2. A young adult who is eligible for Medicaid is not eligible for enrollment.

(b) Payment of Premiums. Each young adult who the department or its contracted service provider has enrolled into the Florida KidCare Program is required to pay the coverage premiums.

(c) Procedural Requirements.

1. Notification. The services worker shall provide written notification to assist the young adult in obtaining access to information regarding the availability of Florida KidCare insurance coverage and how to obtain more information about the program.

2. Applications. The services worker shall consult the Florida KidCare website at [www.floridakidcare.org](http://www.floridakidcare.org) for information regarding the application process and required documents to assist, when requested, all young adults under age 19 who have exited the foster care system to apply for Florida's KidCare Program if they:

a. Have been denied in his or her initial application for the RTI scholarship award; or

b. Are not eligible to apply for the initial RTI scholarship award; or

c. Choose not to apply for the initial RTI scholarship award; or

d. Have had his or her RTI scholarship award terminated, and

e. Have no access to other medical insurance coverage.

(d) Other Medical Insurance/Care Options for Young Adults Formerly in Foster Care. The department or its contracted service provider shall ensure the availability of a current resource list of possible medical insurance/care options for young adults formerly in foster care who do not or no longer qualify for Medicaid or Florida KidCare coverage.

1. This list shall contain eligibility criteria, procedure for application and costs, when available.

2. If a young adult no longer qualifies for Medicaid or Florida KidCare insurance, the services worker shall provide the young adult with the available medical insurance/care resources within the community.

Specific Authority 39.012, 39.0121(13), 39.5075(8), 409.1451(10) FS. Law Implemented 39.013, 39.5075, 39.701(6)(a), 409.1451(5)(d) FS. History–New \_\_\_\_\_.

#### 65C-31.011 Independent Living Program Budget Management.

(1) General Requirements. The department or its contracted service provider shall manage and stay within the Independent Living Program’s contracted amount provided by the department to provide service payments such as scholarships, transitional, pre-independent living skills and aftercare. The departmental district/region or its contracted service provider shall develop a fundamental methodology of projecting how much funding is needed to support the program; compared to the available contracted amount, and adjust accordingly. If a contracted service provider decides that the need is more than the contracted allocation; the contracted service provider has the flexibility to increase the Independent Living allocation within existing state funds within its contract, but this will not be considered part of the base allocation from the department. The goal of the contracted service provider shall be to provide as many services within the Independent Living Program within the funds available.

(2) Payment Adjustments. Throughout the year a contracted service provider shall have the flexibility to make adjustments to payments in all Independent Living service areas in order to prevent a budgetary shortfall, within the following parameters:

(a) Reduction of new Road to Independence awards or other new benefits based on unavailability of funds. Upon a budget projection that no further full Road to Independence awards or other Independent Living benefits can be provided without impacting current Road to Independence awards, contracted care providers may:

1. Reduce new Road to Independence awards proportionally or down to a minimum award of \$25.00, based on projected availability of funds, AND/OR

2. Reduce or deny new requests for other Independent Living benefits, based on projected availability of funds.

(b) Reduction or termination of current transitional or aftercare financial services. Current transitional and aftercare financial services may be reduced or terminated based on unavailability of funds.

(c) Reduction of current Road to Independence awards.

1. Section 409.1451(10), Florida Statutes, specifically states: “The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.” Therefore, it is clear that while awards may be reduced based on lack of available funding only as a last resort, guidance regarding that reduction may not be addressed in rule.

2. Current Road to Independence awards may be reduced at the time of the annual reassessment.

Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5) FS. History–New \_\_\_\_\_.

[Attachment A] SAMPLE LETTER

[Use this form letter when you are denying any type of Independent Living benefits due to the individual’s ineligibility and/or when no funding currently exists].

On Letterhead

NOTICE OF DENIAL OF (type of benefit) AND NOTICE OF RIGHT TO APPEAL

Insert date of Mailing

Name of Applicant (The name of the young adult seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

You recently submitted an application to receive [type of benefit]. Pursuant to Section 409.1451(5), Florida Statutes, and based upon a review of your application and supporting documentation, [CBC name] is denying your application for [type of benefit] because:

\_\_\_\_\_

OR

Pursuant to Section 409.1451(5), Florida Statutes, your request for [type of benefit] funds cannot be satisfied at this time. Presently, the [Agency name or Department] does not have adequate funds available to meet Independent Living benefit requests. In the event that funding become available, your application will reviewed and you will be contacted again about your specific request.

If you feel that the [CBC Name]’s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC’s street address \_\_\_\_\_], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair Hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]’s decision.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at \_\_\_\_\_, or call my supervisor, whose name is \_\_\_\_\_ and number is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name and Title

Attachments: “Your Rights to Due Process” Brochure  
REQUEST FOR FAIR HEARING form

[Attachment B] SAMPLE LETTER

[Use this form letter when you are reducing Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, a reduction of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO REDUCE [ROAD TO INDEPENDENCE/TRANSITIONAL] BENEFITS  
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] has determined that your [Road to Independence Scholarship/Transitional funds] will be reduced to: \_\_\_\_\_ as of \_\_\_\_\_.

Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] is reducing your benefits because:

\_\_\_\_\_  
If you feel that the [CBC Name]'s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC's street address \_\_\_\_\_], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether a request for a Fair Hearing was timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE REDUCTION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the Hearing Officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at \_\_\_\_\_, or call my supervisor, whose name is \_\_\_\_\_ and number is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name and Title

Attachments: "Your Rights to Due Process" Brochure

REQUEST FOR A FAIR HEARING form

[Attachment C] SAMPLE LETTER

[Use this form letter when you are terminating Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, termination of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO TERMINATE [ROAD TO INDEPENDENCE BENEFITS/TRANSITIONAL FUNDS]  
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] is terminating your [Road to Independence Scholarship/transitional funds]. Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] has made this decision because:

\_\_\_\_\_

You will receive your final [Road to Independence Scholarship/transitional fund] check during the month of \_\_\_\_\_ for the amount of \_\_\_\_\_.

If you feel that the [CBC Name]'s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address \_\_\_\_\_], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the (CBC Name)'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE TERMINATION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the hearing officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for [Aftercare Support Services and/or Transitional Support Services]. A description of [these programs] and the applications are also attached.

[If you have not applied for reinstatement of your Road to Independence Scholarship previously, you may apply for reinstatement one time prior to your 23rd birthday.]

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at \_\_\_\_\_, or call my supervisor, whose name is \_\_\_\_\_ and number is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name and Title

Attachments: "Your Rights to Due Process" Brochure  
REQUEST FOR A FAIR HEARING form



[Attachment D] SAMPLE LETTER

[Use this form letter when approving/providing any amount of requested aftercare or transitional financial support services other than the amount requested.]

On Letterhead

NOTICE OF PARTIAL DENIAL OF [AFTERCARE/TRANSITIONAL] SUPPORT SERVICES FUNDS  
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

This letter is to let you know that your request for [Aftercare/Transitional] Support Services funds has been only partially approved. You are eligible to receive funds based on State and Federal guidelines and using information that you have supplied.

You will be provided a check in the amount of \_\_\_\_\_.

[On your request for Aftercare Support Services funds you indicated that you needed these funds for \_\_\_\_\_ so that you will not become homeless. This check is being provided to you for this purpose only.]

[In order to avoid emergency situations in the future you may want to take advantage of other services available through Aftercare Support, such as: Mentoring and tutoring; Mental health services and substance abuse counseling; Life skills classes, including credit management and preventive health activities; Parenting classes; Job skills training; and Contact from a caseworker on a regular basis.]

In addition, you may qualify for other [Aftercare/Transitional] Support Services and/or the Road to Independence Scholarship. A description of these programs and the applications for them are also attached.

You originally requested \$ \_\_\_\_\_. If you feel that the [CBC Name]'s decision to provide you with \$ \_\_\_\_\_ instead is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC's street address \_\_\_\_\_], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at \_\_\_\_\_, or call my supervisor, whose name is \_\_\_\_\_ and number is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name and Title

Attachments: "Your Rights to Due Process" Brochure  
REQUEST FOR A FAIR HEARING form

[Attachment E] SAMPLE LETTER

[Use this letter for approval of Road to Independence Scholarships. The Notice of Right to Appeal is provided in the event that the young adult does not agree with the approved amount, in which case the young adult would have the right to appeal.]

On Letterhead

NOTICE OF APPROVAL OF ROAD TO INDEPENDENCE SCHOLARSHIP  
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

Congratulations! This letter is to let you know that your application for the Road to Independence Scholarship has been approved. You are eligible to receive a scholarship award based on your living and educational needs. This award has been determined using State and Federal guidelines and using information that you have supplied. Your initial award is \_\_\_\_\_ and you will receive your first award check during the month of \_\_\_\_\_, 20 \_\_\_\_.

At the end of each semester you will be expected to provide updated information in order to determine whether your award must be adjusted. In addition, if you receive additional scholarships, grants or income during the current semester that was not reported previously, you must provide this information immediately.

If you drop out of school or drop below full-time attendance, you must report this information immediately in order to avoid wrongfully receiving funds.

Your continued eligibility for the Road to Independence Scholarship will be reviewed each year during the 90-day period before your birthday.

Pursuant to Section 409.1451(5)(b)1, Florida Statutes, the maximum amount you can receive is \$892. If you feel that the [CBC Name]'s decision regarding \$ \_\_\_\_\_ is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address \_\_\_\_\_], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for Aftercare Support Services and/or Transitional Support Services. A description of these programs and the applications are also attached.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at \_\_\_\_\_, or call my supervisor, whose name is \_\_\_\_\_ and number is \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name and Title

Attachments: "Your Rights to Due Process" Brochure  
REQUEST FOR FAIR HEARING form

[Attachment F]



Independent Living Fair Hearing Request

<p><u>A hearing has been requested for:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number / Social Security Number</u></p>	<p><u>The Authorized Representative (if applicable) is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____</p> <p><u>Telephone Number</u></p>
--	---

The [CBC/Department] has taken the following action regarding the individual's eligibility for or receipt of Independent Living benefits from the Department through its contracted CBC:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The individual has stated that he/she is not satisfied with this action and is requesting a hearing for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<p><u>The Department's Representative is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number</u> / <u>Date of Request</u></p>	<p>This hearing request must be mailed or faxed to Office of Appeal Hearings, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700 within 24 hours.</p> <p>Fax # (850)487-0662 or (SC _____).</p> <p>A copy of the letter to which this request pertains should accompany this request for hearing.</p> <p>_____ / _____</p> <p><u>Name / Telephone # of person taking request</u></p>
--	--

[Attachment G]

DOCUMENTATION OF SUPERVISORY REVIEW FOR NOTICES OF DENIAL, REDUCTION, OR  
TERMINATION OF BENEFITS

1. Client name: \_\_\_\_\_
  2. Benefit requested or currently received: \_\_\_\_\_
  3. Action to be noticed: \_\_\_\_\_
  4. Reason(s) for action: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

\_\_\_\_\_  
(Supervisor's name and signature)

\_\_\_\_\_  
(Date)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joel Atkinson, 1317 Winewood Blvd., Bldg. 6, Tallahassee, FL, (850)921-4118.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-32.001 Disciplinary Standards  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 44, November 4, 2005 issue, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-32.002 Appointments and Status  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 47, November 23, 2005 issue, Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 050922-TL, filed December 20, 2005, seeking waiver from Rules 25-4.066 and 25-4.067, Florida Administrative Code. Rule 25-4.066, Florida Administrative Code, requires each telecommunications company to provide facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telecommunications service subject to the company's ability to secure, at reasonable expense, suitable facilities and rights for construction and maintenance of such facilities. Rule 25-4.067, Florida Administrative Code, requires each telecommunications company to make reasonable extensions to its lines and services.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Theresa Tan, Attorney, Office of the General Counsel, at the above address or telephone (850)413-6199.

**WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on December 13, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-128), to Sunny Palm Bay Holding, LLC (Petitioner). The Petition for Variance was received by SJRWMD on October 25, 2005. Notice of receipt

of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 44 on November 4, 2005. No public comment was received. This order provides a temporary variance from Rule 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that on January 3, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 3, 2005 and advertised in Florida Administrative Weekly, Vol. 31, No. 42, by William O. Williams of Otis Elevator regarding Tuscany Tower @ Hammock Dunes (VW2005-146). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 11-4-10.1, Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

---

The Bureau of Elevator Safety hereby gives notice that on January 3, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 6, 2005 and advertised in Florida Administrative Weekly, Vol. 31, No. 42, by William O. Williams of Otis Elevator regarding Ocean Towers at Hammock Beach (VW2005-150). The petition

sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 11-4-10.1, Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

---

NOTICE IS HEREBY GIVEN that on December 27, 2005, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from Jennifer Livingston of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: One Singer Island, Group 1, Group 2 and Group 3 (Petitions VW 2005-192, 2005-191 and 2005-190).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

---

NOTICE IS HEREBY GIVEN that on December 30, 2005, the Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 2.1.3.1.2, 2.7.6, 2.9, 2.4.6, 2.23.4.1, and 2.14.1.5, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 30, Florida Building Code, requiring access to the overspeed governor from outside the hoistway, prohibiting the machine and control room from being within the hoistway, to allow the use of guide rails to support the loads and stresses, reduce the clearance above the car, allow additional loads be calculated prior to obtaining minimum bracket spacing requirements from the published table and to allow a cartop emergency hatch operable by a restricted use key. The petition was received from Lee Rigby of Vertical Assessment Associates on behalf of St. Joseph's Hospital Garage – Tampa (Petition VW 2005-193).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The Board of Massage Therapy hereby gives notice that it has received a petition filed on January 4, 2006, by Deborah Reid, seeking a variance/waiver from Rules 64B7-32.001, 64B7-32.002, 64B7-32.003, 64B7-32.004, 64B7-25.001(b),(c),(e), 64B7-25.0012, 64B7-27.002(1) and 64B7-27.008(1),(2), F.A.C., regarding Florida massage therapy licensure requirements. Comments on this petition should be filed with Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela E. King, Executive Director, Board of Massage Therapy, at the above address.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Michael A. Cappiello, III, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to official verification of medical education. The Petition was filed on September 30, 2005, and the Notice was published in Vol. 31, No. 41, of the October 14, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on November 19, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on December 3, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner presented evidence of a substantial hardship and demonstrated that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on December 27, 2005.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Shahram Rahmini-Saber, M.D., seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to official verification of medical education. The Petition was filed on October 25, 2005, and the Notice was published in Vol. 31, No. 44, of the November 4, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on November 19, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on December 3, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner presented evidence of a substantial

hardship and demonstrated that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on December 30, 2005.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Financial Services Commission  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission  
 Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection  
 DATE AND TIME: January 31, 2006, 9:00 a.m.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims,

adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

---

#### **DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Commission on the Status of Women** will hold telephone calls, to which all persons are invited.

Women's Hall of Fame Committee

DATE AND TIME: January 18, 2006, 10:00 a.m.

Executive Committee

DATE AND TIME: January 19, 2006, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Discuss General Issues.

If you need an accommodation because of disability in order to participate, please notify FCSW 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.



Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority** announces a meeting of the Executive Committee.

Date and Time: Friday, February 10, 2006, 10:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business

A copy of the agenda may be obtained by contacting: Mr. Charles C. Pesano, Executive Director, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Mr. Charles C. Pesano at the address above or at (813)627-4221.

The **Florida State Fair Authority** announces a meeting of the Full Board:

DATE AND TIME: Monday, February 13, 2006, 2:00 p.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business

A copy of the agenda may be obtained by contacting: Mr. Charles C. Pesano, Executive Director, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Mr. Charles C. Pesano at the address above or at (813)627-4221.

### DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting to review and evaluate proposals.

DATES AND TIME: January 30, 2006 through February 1, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Turlington Building, Room 1703/07, Tallahassee, Florida

DATES AND TIME: February 2, 2006 through February 3, 2006

PLACE: Turlington Building, Room 1721/25, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and evaluate proposals received in response to the Bid No. Request for Proposals 2006-07 Kindergarten Readiness Assessment

To obtain additional information and request an agenda for this meeting, please contact Dr. Martha Haynes by calling (850)245-9560.

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel; all persons are invited.

DATE AND TIME: January 20, 2006, 9:00 a.m.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455 at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The Probable Cause Panel of the **Commission for Independent Education** announces a meeting.

DATE AND TIME: January 24, 2006, 9:00 a.m.

PLACE: By teleconference at the "meet me" number (850)414-6477, Sum Com 994-6477

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider the investigative report and complaint in which the probable cause panel has to make a determination as to whether there is the existence of probable cause or not.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Margaret O'Sullivan Parker, Deputy General Counsel, Florida Department of Education, 1244 Turlington Building, Tallahassee, Florida 32399-0400, or by phone at (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, which can be reached at (800)955-9770 (voice) and (800)955-8771 (TDD).

The Foundation for Florida's **Community Colleges Board** meeting.

DATE AND TIME: Wednesday, January 18, 2006, 10:00 a.m.

PLACE: Seminole Community College, Weldon Administration Building Board Room, A200, 100 Weldon Blvd., Sanford, FL 32773

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Student Affairs Committee, the Facilities Committee, the Strategic Planning/Educational Policy Committee, and the Accountability and Performance Committee will meet. The regular meeting of the Board will follow the Committee meetings.

DATE AND TIME: January 26, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Grand Ballroom, J. Wayne Reitz Union, University of Florida, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of recommendations from the SUS Task Force on Access and Diversity and discussion of issues relating to increasing access to the universities by underrepresented minorities, retention and graduation; Discussion of increasing costs of construction projects, and increasing costs of utilities, with consideration of an Amended Legislative Budget Request to address these increased costs; Consideration of an Amended Legislative Budget Request for Non-reimbursable Hurricane Expenses; Presentation on Impediments to Meeting Degree Goals; Review of Engineering and Nursing Programs, as targeted degree programs; Continuing discussion of fiscal accountability and efficiency measures; Consideration of revised 2006-2007 Courtelis Challenge Grant Project List; Consideration of amended Three Year PECO Project Priority List; Consideration of amended Five Year Capital Improvement Plan; Consideration of amended 2006-2007 Fixed Capital Outlay Legislative Budget Request for the State University System; Consideration of a Resolution authorizing the Financing of an Athletics Stadium on the Main Campus of the University of Central Florida by the Golden Knights Corporation, on behalf of the University of Central Florida; Continuing discussion of the Board of Governors legislative issues for the 2006 Legislative Session; Discussion of recommendations from the State Board of Education's Access Task Force; Discussion of legal matters affecting the Board of Governors; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from: Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meetings are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a teleconference meeting of the Community Assistance Advisory Council, and a public hearing to receive input from all interested parties on the Weatherization Assistance Program State Administrative Plan for federal fiscal year (FFY) 2006, to which all interested parties are invited.

#### COMMUNITY ASSISTANCE ADVISORY COUNCIL MEETING

DATE AND TIME: Tuesday, January 24, 2006, 9:00 a.m. – 11:30 a.m.

PLACE: Department of Community Affairs, Randall Kelly Training Center, Sadowski Building 3rd Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, Tele-conference Number: (850)414-1707, SC 994-1707

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council will review the Weatherization Assistance Program Administrative State Plan for FFY 2006.

#### PUBLIC HEARING

DATE AND TIME: Tuesday, January 24, 2006, 1:00 p.m.

PLACE: Department of Community Affairs, Randall Kelly Training Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the Weatherization Assistance Program Administrative State Plan for FFY 2006, which will be submitted to the United States Department of Energy.

A copy of the state plan and agenda for the Advisory Council Meeting and/or a copy of the state plan and agenda for the public hearing may be obtained by writing: Department of Community Affairs, Mr. Norm Gempel, Manager, the Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Copies may also be obtained by telephoning (850)488-7541 or fax at (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at the advisory council meeting or public hearing because of a disability or physical impairment, should contact the community assistance section at (850)488-7541, at least five calendar days prior to the hearing.

If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

---

## DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting dates, times, and location for the February 2006 Criminal Justice Standards and Training Commission meeting and related meetings:

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, February 7, 2006, 4:00 p.m.

Test Bank Committee Meeting

DATE AND TIME: Tuesday, February 7, 2006, 2:00 p.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, February 8, 2006, 8:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, February 8, 2006, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, February 8, 2006, 1:30 p.m.,

Topic: Trust Fund Officer Training Monies

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, February 8, 2006, 3:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, February 9, 2006, 8:30 a.m.

Officer Discipline Informal Hearings

DATE AND TIME: Thursday, February 9, 2006, 10:30 a.m.

PLACE: Hilton Orlando/Altamonte Springs, 350 S. North Lake Boulevard, Altamonte Springs, Florida 32701

GUESTROOM RATE: \$71.00 for single and double occupancy. Check-in is 3:00 p.m. and Check-out is 12 Noon

TELEPHONE NUMBER FOR HOTEL RESERVATIONS:

Telephone Number: (407)830-1985; Fax: (407)331-2911

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification and record management for law enforcement, correctional, and de-certification correctional probation officers; Commission rules; officer discipline penalty guidelines; and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AND WORKSHOP AGENDA: A copy of the February 2006 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615 or via E-mail at [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us). The agenda and

Commission issues will be posted to the FDLE website on January 23, 2006, and may be accessed at [www.fdle.state.fl.us](http://www.fdle.state.fl.us), (click on "Criminal Justice Resource Center", click on "Rules, Policies, and Commission Information", click on "Commission" at the top of the page, and then click on "agenda.") OFFICER DISCIPLINE AGENDA:

A copy of the February 2006 Officer Discipline Case Agenda may be obtained by contacting Brenda Presnell, at (850)410-8648 or via E-mail at [brendapresnell@fdle.state.fl.us](mailto:brendapresnell@fdle.state.fl.us). If you wish to write the Commission for a copy of the above meeting agendas please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell.

TRAINING CENTER DIRECTOR ASSOCIATION AGENDA: If you wish to write, call, or E-mail the Chairman for a copy of the Training Center Directors' Association agenda, please write: Training Center Director Association Chairman Jim Hague, Seminole Community College, 100 Weldon Boulevard, Sanford, Florida 32773-6199, or call (407)328-2316, or E-mail at [haguec@scc-fl.edu](mailto:haguec@scc-fl.edu).

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt at (850)410-8615, at least 5 days prior to the meeting.

---

## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Notice is hereby given that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, will hold a Public Hearing proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes:

DATE AND TIME: January 25, 2006, 7:00 p.m., immediately following a 6:00 p.m. county-sponsored workshop on this subject

PLACE: Board Chambers, 1660 Ringling Boulevard, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is for the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the South Siesta Key Beach Restoration Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along South Siesta Key fronting the Gulf of Mexico

at the line of mean high water. The Erosion Control Line lies in Sections 29 and 32, Township 37 South, Range 18 East.

Written objections to, or inquiries regarding, the proposed Erosion Control Line should be submitted: Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above.

The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Commission Workshop to be held in the following undocketed matter, to which all interested persons are invited to attend.

UNDOCKETED – Water Rate Design Commission Workshop  
 DATE AND TIME: Wednesday, February 1, 2006, 10:00 a.m.  
 PLACE: Public Service Commission, Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give the Department of Environmental Protection, the Water Management Districts, and Commission staff an opportunity to present a comprehensive package of information to the Commissioners on the procedures used in designing water rates. The workshop will open with a discussion of the Department of Environmental Protection and the five Water Management Districts role in establishing water resource policy and how that policy interacts with the Florida Public Service Commission’s (FPSC’s) regulatory authority. That will be followed by a discussion of the procedures used to design water rates for FPSC jurisdictional utilities, including the type of data used in the analysis, the constraints considered in designing rates, and the rationale used to select a particular rate design for a given utility.

Any person requiring some accommodation at the Workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the meeting.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at (800)955-8771 (TDD). One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this workshop.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor’s Ex-offender Task Force** will hold conference calls for any members.

DATE AND TIME: Each Thursday, 4:30 p.m. – 5:00 p.m., for the 2006 year beginning January 19, 2006

PLACE: The call-in number is (850)921-6433, SC 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Concerning administrative issues.

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Finance Committee

DATE AND TIME: January 26, 2006, 5:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee.

MEETING: Executive Committee

DATE AND TIME: January 26, 2006, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: January 26, 2006, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: January 26, 2006, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida.

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing [ncfrpc@ncfrpc.org](mailto:ncfrpc@ncfrpc.org) or writing: NCFRPC, 2009 N.W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday – January 26, 2006, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Panhandle Pioneer Settlement, 17879 NW Pioneer Settlement Road, Blountstown, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571 prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**COMMISSION ON ETHICS**

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, January 27, 2006, 8:30 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 412, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864.

If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at (800)955-8771 (TDD).

**METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL**

The Florida **Metropolitan Planning Organization Advisory Council (MPOAC)** announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: January 26, 2006, 4:00 p.m. – 7:00 p.m.

PLACE: Radisson Barcelo Hotel, 8444 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone (866)374-3368, x4037 or E-mail: [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us)

The **Florida Metropolitan Planning Organization Advisory Council (MPOAC)** announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: January 26, 2006, 12:00 p.m. – 3:00 p.m.

PLACE: Radisson Barcelo Hotel, 8444 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone (866)374-3368, x4037 or E-mail: [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us)

The **Florida Metropolitan Planning Organization Advisory Council (MPOAC)** announces a Workshop of the Governing Board to which all persons are invited:

DATE AND TIME: January 27, 2006, 8:00 a.m. – 12:00 p.m.

PLACE: Radisson Barcelo Hotel, 8444 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to the Florida Metropolitan Planning Organization Advisory Council Institute.

For more information, please contact: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, Telephone (866)374-3368 x4037 or E-mail: [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us)

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: January 26, 2006, 11:30 a.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land management and acquisition matters

DATE AND TIME: January 26, 2006, 1:00 p.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board meeting – to consider District business

DATE AND TIME: January 26, 2006, 1:15 p.m., EST  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Public Hearing on Consideration of Regulatory Matters  
 DATE AND TIME: January 26, 2006, 1:30 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Public Hearing on Rule Making – Amendment to Chapter  
 40A-2, F.A.C. (Consumptive Use of Water)  
 DATE AND TIME: January 26, 2006, 1:45 p.m., EST  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Public Hearing on Consideration of Land Acquisition Matters  
 PLACE: District headquarters, 10 miles west of Tallahassee on  
 U.S. Highway 90.

A copy of the agendas may be obtained by contacting Carolyn Wise, NFWMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.nfwmd.state.fl.us](http://www.nfwmd.state.fl.us)). If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based. Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District (SWFWMD)** announces the following public meeting(s) to which all interested persons are invited:

**MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE**

DATE AND TIME: Friday, January 6, 2005, 8:00 a.m.  
 PLACE: Manatee Chamber Building, 222 10th Street, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Consideration of Committee business. Some members of the District’s Governing Board and Manasota Basin Board may attend and participate in the discussions.

**GOVERNING BOARD WORKSHOP**

DATE AND TIME: Tuesday, January 10, 2006, 10:00 a.m.  
 PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Discussion of Board policies and procedures, and strategic planning for future initiatives.

These are public meetings and agendas which are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (800)423-1476 (Florida only), extension 4609; TDD only (800)231-6103 (Florida only); FAX (352)754-6874.

**NOTICE OF CHANGE IN DATE AND TIME – The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, January 19, 2006, 10:00 a.m. until complete.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Water Resources Advisory Commission (WRAC) Stormwater Management Issues Workshop.

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained at: (1) District Website ([www.sfwmd.gov/gover/wrac/webpage/agenda.html](http://www.sfwmd.gov/gover/wrac/webpage/agenda.html)) or (2) by writing: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561) 682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, February 1, 2006, 10:00 a.m. until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular Governing Board Audit Committee to discuss and consider District business

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website ([www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html)) or (2) by writing: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, (561)682-6371, or write: District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, February 1, 2006, 12:00 p.m. or immediately after the Regular Audit Committee and until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website ([www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html)) or (2) by writing: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, (561)682-6371, or write: District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, February 1, 2006, 1:00 p.m. or immediately following the Finance Committee Meeting until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Land Resource and Construction Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website ([www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html)) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371, or write to him at District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, February 2, 2006, 9:00 a.m.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Water Resources Advisory Commission (WRAC) Meeting.

A copy of the agenda may be obtained at: (1) District Website (<http://www.sfwmd.gov/gover/wrac/agendas.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, (561)682-6447, or write: District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406.

---

#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** Advisory Council announces a meeting to which all persons are invited to join. Interested individuals may join by notifying Darrick McGhee by phone, (850)414-2085, by email: [McgheeD@elderaffairs.org](mailto:McgheeD@elderaffairs.org), or by mail at: Department of Elder Affairs, 4040 Esplanade Way, Suite 315 K, Tallahassee, FL 32399-7000.

DATE AND TIME: Thursday, February 2, 2006, 9:00 a.m. – 11:30 a.m. (This meeting is in conjunction with the 2006 Best Practices Exchange – [http://elderaffairs.state.fl.us/english/best\\_practices.html](http://elderaffairs.state.fl.us/english/best_practices.html).)

PLACE: Radisson WorldGate Hotel, 3011 Maingate Lane, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

To obtain a copy of the agenda, please contact Darrick McGhee by phone, (850)414-2085, SunCom 994-2085, by email at [McgheeD@elderaffairs.org](mailto:McgheeD@elderaffairs.org), or by mail at: Department of Elder Affairs, 4040 Esplanade Way, Suite 315 K, Tallahassee, FL 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting Darrick McGhee by phone at (850)414-2085.

If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Hospital Acquired Infections Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Tuesday, January 24, 2006, 10:00 a.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Hospital Acquired Infections Technical Workgroup to discuss infection measures.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Beth Eastman, (850)922-3803 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Beth Eastman, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The agenda will also be posted at [http://ahca.myflorida.com/SCHS/chistwg\\_hai.shtml](http://ahca.myflorida.com/SCHS/chistwg_hai.shtml) seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Wednesday, January 25, 2006, 10:00 a.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrienne Henderson, (850)922-0594 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The agenda will also be posted at: [http://ahca.myflorida.com/SCHS/chistwg\\_hcfw.shtml](http://ahca.myflorida.com/SCHS/chistwg_hcfw.shtml) seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 23, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Suncoast Region, Department of Children and Families, Substance Abuse and Mental Health Program Office, Mary Grizzle Building, Room 142-B, 11351 Ulmerton Road, Largo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Five Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jennifer Gallman, (813)871-7600, x133, at least five calendar days prior to the meeting.

For additional information contact: Jennifer Gallman, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 200, Tampa, FL, 33607; [gallmanj@ahca.myflorida.com](mailto:gallmanj@ahca.myflorida.com)

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 26, 2006, 1:30 p.m. – 3:00 p.m.

PLACE: Agency for Community Treatment Services (ACTS) Building, 4612 North 56th Street, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Six Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues



surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jorja Daniels, (813)871-7600 x132, at least five calendar days prior to the meeting.

For additional information contact: Jorja Daniels, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 220, Tampa, FL 33607; E-mail: danielsj@ahca.myflorida.com

---

#### DEPARTMENT OF MANAGEMENT SERVICES

The **State of Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: January 23-24, 2006, 8:30 a.m.

PLACE: Hilton Orlando/Altamonte Springs, 350 S. North Lake Boulevard, Altamonte Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing.

If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at (800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

DATE AND TIME: January 24, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Room 234, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 72 hours before the meeting by contacting Marlita Peters, Administrative Assistant III, (850)644-2051.

If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Marlita Peters, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1014, phone number (850)644-2051.

The person to be contacted regarding the public meeting is: Marlita Peters, Administrative Assistant III, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)644-2051.

---

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: February 23, 2006, 9:00 a.m. Eastern Time

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business: discussion items include – architecture profession, interior design profession, rules, Continuing Education Task Force and review of applications.

DATE AND TIME: February 24, 2006, 9:00 a.m. Eastern Time.

PLACE: Hampton Inn & Suites, Amelia Island, 19 South Second Street, Fernandina Beach, FL 32034, Telephone Number: (904)491-4911

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)487-8304 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

---

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: January 24, 2006, 9:00 a.m. and 10:00 a.m.

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The **Board of Clinical Laboratory Personnel** will hold a duly noticed rules workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, January 26, 2006, 2:00 p.m.

PLACE: Florida Gulf Coast University, 10501 FGCU Boulevard, South, Student Union Building, Second Floor, Room 214, Ft. Myers, Florida 33965

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/ClinLab/index.html](http://www.doh.state.fl.us/mqa/ClinLab/index.html)

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, January 27, 2006, 9:00 a.m.

PLACE: Florida Gulf Coast University, 10501 FGCU Boulevard, South, Student Union Building, Second Floor, Room 214, Ft. Myers, Florida 33965

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355 at least 48 hours prior to the meeting.

If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at (800)-955-8770 (Voice) and (800)-955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/ClinLab/index.html](http://www.doh.state.fl.us/mqa/ClinLab/index.html)

The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATE AND TIME: January 20, 2006, 9:00 a.m.

PLACE: Department of Health, Building 4052, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can

contact Ms. Walls using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

---

The Florida **Board of Medicine's**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number.

DATE AND TIME: January 27, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

---

The Florida **Board of Medicine's**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 6:00 p.m. – 9:00 p.m.

PLACE: Sheraton Airport Hotel, 1825 Griffin Road, Dania Beach, FL 33004, (954)920-3500 or (800)947-8527

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

---

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, immediately following or soon thereafter the Rules Hearing

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

---

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, February 3-4, 2006, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

---

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, February 3, 2006, immediately following the Board Meeting

PLACE: Meet me Number: (954)920-3500, Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

---

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: February 15, 2006, 5:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

---

The **Department of Health, Board of Psychology** announces conference calls to which all persons are invited.

DATES AND TIMES: March 17, 2006, 8:00 a.m. or soon thereafter; June 16, 2006, 8:00 a.m. or soon thereafter; September 22, 2006, 8:00 a.m. or soon thereafter; November 17, 2006, 8:00 a.m. or soon thereafter

PLACE: Meet Me Number (850)413-9245, Suncom 293-9245 or Toll free (877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the board office (850)245-4373, ext 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

---

The **Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited.

DATE AND TIME: January 26, 2006, 10:00 a.m. – 11:30 a.m.  
PLACE: Conference Call 1(888)461-8118 (Toll Free), (850)414-5775 (local), 994-5775 (Suncom), Correctional Medical Authority, 4030 Esplanade Way, 2nd Floor, Room 280N, Tallahassee, Florida 32399-1732, (850)245-4557

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B-04, Tallahassee, FL 32399-1732 (850)245-4557.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

---

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services, Mental Health Program Office** announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2006, 6:00 p.m.

PLACE: Meridian Behavioral Healthcare Boardroom, 4300 S.W. 13th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and information regarding the designation of a Short Term Residential Treatment facility as a public Baker Act receiving facility.

Persons with disabilities requiring accommodations in order to participate in this event should contact the following person by telephone Lisa Cue, (352)955-5045 or in writing by close of business 5:00 p.m. no later than five working days prior to the meeting.

---

### NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 20, 2006, 8:00 a.m.

PLACE: The Bahia Mar Beach Resort and Yachting Center, 801 Seabreeze Boulevard, Ft. Lauderdale, Broward County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Finance and Budget and Land Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for

such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

---

### FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Stone Crab Advisory Board, to which all interested persons are invited.

DATE AND TIME: February 16, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 2301 McGregor Boulevard, Ft. Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission, Division of Marine Fisheries, will reconvene the Board to take public testimony regarding the status of the stone crab fishery and the trap limitation program and consider recommendations for the fishery.

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 calendar days before the workshop/meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

---

### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2006, 2:00 p.m.

PLACE: Rooms 206/207, Prime F. Osborn Convention Center, 1000 Water Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Veronica Baxter, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, or by calling (850)413-3624.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2006, 9:00 a.m.

PLACE: Rooms 206/207, Prime F. Osborn Convention Center, 1000 Water Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Code Advisory Council.

A copy of the agenda may be obtained by writing: Millicent King, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, or by calling (850)413-3619.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services'** Rules Committee to which all persons are invited.

DATE AND TIME: February 1, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Financial Services, Alexander Building, Suite 230, 2020 Capital Circle, S.E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services [www.fldfs.com/FuneralCemetery](http://www.fldfs.com/FuneralCemetery).

A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms. Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant,

(850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

PLEASE NOTE THAT THIS MEETING WILL REPLACE THE MEETING SCHEDULED FOR JANUARY 12, 2006.

## FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: March 14, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-164.030, Florida Administrative Code, published on November 4, 2005 in Vol. 31, No. 44, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz, e-mail: [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.030 Application of Rule 690-164.020, F.A.C., To Various Product Designs.

(1) Purpose. The purpose of this rule is to provide direction as to the application of Rule 690-164.020, F.A.C., to various product designs developed after March, 1999. Specifically, this rule provides examples of various policy features that constitute "guarantees" and gives directions on how to reserve for these guarantees in accordance with Rule 690-164.020, F.A.C. Obviously, new policy designs will emerge subsequent to the development of this rule. No statute, rule, or guideline can anticipate every future product design, and common sense and professional responsibility are needed to assure compliance with both the letter and the spirit of the law. While Rule 690-164.020, F.A.C., is a complex regulation, its intent is clear: reserves need to be established for the guarantees provided by a policy. Policy designs that are created to simply disguise those guarantees or exploit a perceived loophole must be reserved in a manner similar to more typical designs with similar guarantees.

(2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 690-164.020, F.A.C. However, the specified reserving approaches should be modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

(a)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, the company cannot increase premiums after year 10 (i.e., the initial premium continues to be charged) unless some specified event occurs.

2. Application: The initial reserve segment is 30 years. Since the contract contains provisions that limit the company's ability to increase premiums, then the initial premium should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums is unrestricted.

(b)1. Situation: A term policy has an illustrated level premium for 30 years, the first 10 of which are guaranteed. Additionally, there is a refund option which provides that a specified refund will be paid if the premium ever increases. The refund must be requested within a limited time (e.g., 30 days) of receiving notice of the increase. Coverage terminates if the option is exercised.

2. Application: This example differs from the one above in that there is no specified event that has to occur in order for the company to impose a premium increase; however, the company must provide an additional benefit to the policyholder if it exercises this right. Thus the company does not have an unrestricted right to impose an increase after 10 years. If the contract contains provisions that require that additional benefits be provided to the policyholder in the event of a premium increase, even if these benefits are lost if not claimed within a stated time frame, then the initial premiums should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums does not require that additional benefits be provided. Therefore, the initial segment for this policy is 30 years.

(c)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, after year 10 the policyholder is protected against premiums being increased above the initial level, with the protection provided by a second company through either reinsurance, a second policy issued to the consumer, or an agreement between the companies.

2. Application: The combined reserves of the direct writer and the second company should be no less than the amount which the direct writer would hold if a) there were no second company and b) the initial reserve segment were 30 years. If this condition is not met, reserve credits for the direct writer should be disallowed. The reserve held by the direct writer should be based on the initial level premium being guaranteed for 30 years.

(d)1. Situation: A product has relatively high gross premiums but with a guaranteed dividend or guaranteed refund schedule, or by some other means guarantees a low net cost to the policyholder.

2. Application: The net amount of premium (i.e., gross premium less dividends or refunds) should be used in the reserve calculation. That represents the amount the insured actually pays for coverage. For products reinsured on either a coinsurance or modified coinsurance basis, the reinsurer's reserve calculation should also be based on the net premium (i.e., gross premiums less dividends or refunds guaranteed to be paid to the policyholder).

(e)1. Situation: A re-entry term product has an initial rate guarantee for 10 years, with loose or non-existent re-entry underwriting, allowing the policyholder to re-enter for an additional 20 years at specified favorable rates.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(f)1. Situation: A universal life policy has provisions such that, if the UL policy lapses prior to the 10th policy anniversary because the actual accumulation value (or cash value, depending on design) falls below zero but stipulated premiums have been paid, a substitute policy is guaranteed to be issued providing the same amount of insurance coverage at the same stipulated premium for the remainder of the 10-year period plus an additional 20 years.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(g)1. Situation: A reinsurance treaty provides for 30 years of level premiums on a current scale but directly guarantees those premiums for only the first 10 years. However, if the reinsurer increases the premiums after 10 years, the reinsurer agrees to increase the expense allowance such that the net payments (premium minus allowance) by the direct writer remains unchanged.

2. Application: Relative to the reinsurer's reserve calculation, the initial reserve segment should be 30 years and the valuation premium should be level over that period. In this instance, the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies. Although a bona fide expense allowance would typically not be considered in determining the valuation premiums and reserve segments, in this instance the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies."

(h)1. Situation: A universal life policy has a cumulative "premium catch-up provision" in which the coverage is guaranteed to remain in force as long as a stipulated premium is paid each year, and if the insured is paying less than is required to maintain the guarantee, there is an unlimited right to make up past premium deficiencies.

2. Application: Rule 69O-164.020, F.A.C., requires that "when a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees." Since secondary guarantees with "catch-up" provisions are capable of being reinstated up to the end of the secondary guarantee period, they constitute "unexpired secondary guarantees" which must be incorporated into the calculation of "the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees."

3. The basic and deficiency reserves for a secondary guarantee with a catch-up provision should be computed as if the stipulated premium requirement had been met. The basic reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" (i.e., before adjustment) basic reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" basic reserve be reduced below zero. The deficiency reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" deficiency reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" deficiency reserve be reduced below zero.

4. If a universal life policy with a "premium catch up provision" has a shadow account below the level necessary to maintain the secondary guarantee, then the reserve for the secondary guarantee shall be valued according to this example. The basic and deficiency reserves, before deduction for the catch-up amount, shall be calculated as specified in subsection (i).

(i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.A.C., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, a determination should be made of the single payment necessary at the valuation date to fully fund the remaining secondary guarantee assuming that the minimum gross premiums have been paid, up through the valuation date, during the secondary guarantee period. The result from sub-subparagraph c. should be divided by this number.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b, then the basic and deficiency reserves to be used for the



purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b, and no further calculation is required.

i. Ninth, an “increased basic reserve” should be computed by subtracting the “reduced deficiency reserve” in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This “increased basic reserve” is the basic reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

2. For policies and certificates issued on or after July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.A.C., the “specified premiums” are the minimum gross premiums derived in sub-subparagraph a. Consistent with Rule 69O-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 69O-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term “fully fund the guarantee” should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term “remainder of the secondary guarantee period” should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee can not be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments

depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, “assumptions” include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the “net amount of additional premiums” is determined by multiplying the ratio from sub-subparagraph d by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a “reduced deficiency reserve” should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d, but not less than zero. This “reduced deficiency reserve” is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and, (2) the amount of the excess from sub-subparagraph f. plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b, then the basic and deficiency reserves to

be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C. are those calculated in sub-subparagraph b. and no further calculation is required.

i. Ninth, an “increased basic reserve” should be computed by subtracting the “reduced deficiency reserve” in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This “increased basic reserve” is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

(3) Effective Date.

(a) The application of this rule shall be to policies issued on or after December 24, 2003.

(b) Subparagraph (2)(i)2. shall apply to all policies and certificates issued on or after July 1, 2005.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New \_\_\_\_\_.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: March 14, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-203.204, Florida Administrative Code, and adoption of new Rule 69O-203.205, Florida Administrative Code, published on November 4, 2005 in Vol. 31, No. 44, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino, e-mail: frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) through (2) No change.

(3) A filing shall consist of the following items:

(a) through (d) No change.

(e) Other information as indicated in Rule 69O-203.205, F.A.C., as applicable.

Specific Authority 636.232 FS. Law Implemented 624.424(1)(c), 636.208, 636.216 FS. History—New 4-7-05, Amended \_\_\_\_\_.

69O-203.205 Bundled Products.

(1) The provisions of Section 636.230, F.S., recognize that the discount medical plan may be combined together with other products. Any filing of a bundled product made pursuant

to Rule 69O-203.204, F.A.C., shall clearly identify the discount medical plan component separately from each other component.

(2) When the bundled product contains a product that is insurance or other regulated product, the filing shall contain the following:

(a) Identification of the licensed insurer underwriting the insurance product.

(b) Disclosure of the specific policy form number providing the underlying insurance coverage issued by the licensed insurer.

(c) Disclosure of the Florida filing log number where the insurance product was filed with the Office.

(d) A copy of the rate schedule from the insurer on insurer paper or letterhead identifying the product and rates for the coverage being bundled with the discount plan.

(e) Identification of how the discount plan applicant is applying for the insurance coverage, i.e., on the enrollment form, complete a separate application, etc., and

(f) When the insurance coverage is provided under a group policy:

1. Identification of the group policyholder that the insurance coverage is issued to, and

2. An explanation of how the discount plan applicant is an eligible individual for coverage under the group pursuant to the group’s eligibility standards.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History—New \_\_\_\_\_.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: March 14, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the repeal to Rule Chapter 69O-211, Insurance Representatives, Florida Administrative Code, published on October 28, 2005, in Vol. 31, No. 43, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Bob Prentiss, e-mail: bob.prentiss@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 69O-211 INSURANCE REPRESENTATIVES  
PART I APPLICATION PROCEDURES

69O-211.001 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626, 627, 632, 634, 637, 639, 641 (Part II), 642, 648 FS. History–New 6-4-92, Formerly 4-211.001, Repealed.

69O-211.002 General Procedures.

Specific Authority 624.308 FS. Law Implemented 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 FS. History–New 6-4-92, Amended 5-17-94, 6-7-99, Formerly 4-211.002, Repealed.

69O-211.003 License to Sell Life Insurance to Fund Preranged Funeral Services or Merchandise.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.785(3) FS. History–New 6-4-92, Formerly 4-211.003, Repealed.

69O-211.0035 Licensure Application Procedure.

Specific Authority 624.308 FS. Law Implemented 120.60, 624.307(1), 626.171, 626.201, 626.211 FS. History–New 7-18-93, Amended 6-28-94, Formerly 4-211.0035, Repealed.

69O-211.004 Appointment Renewal Procedure.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.501, 626.103, 626.104, 626.112, 626.361, 626.371, 626.381, 626.532, 626.7492(3), (8), (9), 648.31, 648.383 FS. History–New 7-18-93, Amended 7-1-97, Formerly 4-211.004, Repealed.

69O-211.005 Fees.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501 FS. History–New 6-4-92, Amended 4-18-94, Formerly 4-211.005, Repealed.

69O-211.007 Effective Date of Termination of Appointment.

Specific Authority 624.308 FS. Law Implemented 624.307, 626.471 FS. History–New 1-22-01, Formerly 4-211.007, Repealed.

PART II PHOTO IDENTIFICATION

69O-211.010 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.301 FS. History–New 6-4-92, Formerly 4-211.010, Repealed.

69O-211.011 Photo Identification Required.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.301 FS. History–New 6-4-92, Formerly 4-211.011, Repealed.

69O-211.012 Exemptions to Photo Identification Requirement.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.301 FS. History–New 6-4-92, Formerly 4-211.012, Repealed.

PART III CHARACTER AND CREDIT REPORTS

69O-211.020 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.201, 626.521 FS. History–New 6-4-92, Formerly 4-211.020, Repealed.

69O-211.021 Definitions.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.521 FS. History–New 6-4-92, Formerly 4-211.021, Repealed.

69O-211.022 Character and Credit Reports Required.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.521 FS. History–New 6-4-92, Formerly 4-211.022, Repealed.

PART IV LAW ENFORCEMENT RECORDS

69O-211.040 Purpose and Scope.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641, 626.681, 626.691 FS. History–New 10-17-02, Formerly 4-211.040, Repealed.

69O-211.041 Definitions.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History–New 10-17-02, Formerly 4-211.041, Repealed.

69O-211.042 Effect of Law Enforcement Records on Applications for Licensure.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History–New 10-17-02, Formerly 4-211.042, Repealed.

PART VI PRE-LICENSING COURSES

69O-211.110 Purpose.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.110, Repealed.

69O-211.120 Scope.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.120, Repealed.

69O-211.130 Definitions.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.130, Repealed.

69O-211.140 Entities.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.140, Repealed.

69O-211.150 School Officials.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.501, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.150, Repealed.

69O-211.160 Instructors.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.160, Repealed.

69O-211.170 Courses.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.170, Repealed.

69O-211.180 Schedule and Attendance Records.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.180, Repealed

69O-211.190 Certification of Students.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.190, Repealed

69O-211.200 Attendance.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.200, Repealed

69O-211.210 Exempted Courses.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.210, Repealed

69O-211.220 Examinations.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.220, Repealed

69O-211.230 Fees.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.230, Repealed

69O-211.240 Facilities.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.240, Repealed

69O-211.250 Advertising.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.9541(1), 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.250, Repealed

69O-211.260 Study Aids.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.260, Repealed

69O-211.270 Prohibited Practices.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.270, Repealed

69O-211.280 Falsification of Reports.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 626.611, 626.621, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.280, Repealed

69O-211.290 Forms.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.290, Repealed

69O-211.300 Transition Time in the Event of Rule Changes.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.300, Repealed

69O-211.310 Penalties.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 624.4211, 626, 611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.310, Repealed

69O-211.320 Curriculum Standards for Special Designation.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History–New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Repealed

**SARASOTA COUNTY NATURAL RESOURCES**

NOTICE IS HEREBY GIVEN that Sarasota County Natural Resources will hold a public workshop.

DATE AND TIME: January 25, 2006, 6:00 p.m.

PLACE: 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the proposed erosion control project known as the South Siesta Key Beach Restoration Project, and the establishment of an Erosion Control Line for said project

The location of the proposed erosion control project is as follows:

Sections 29 and 32, Township 37S, Range 18E:

Sarasota County, Florida

For further information contact Sarasota County, (941)861-5000 and ask for the South Siesta Key Beach Restoration Project.

**FLORIDA PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 9:30 a.m. – 3:00 p.m.

PLACE: St. Lucie Medical Center, 1800 S.E. Tiffany Avenue, Port St. Lucie, FL 34952

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting Effective Thursday, January 26, 2006, a copy of the agenda and board materials will be available for downloading from the Florida Patient Safety Corporation website at [www.floridapatientssafetycorp.com](http://www.floridapatientssafetycorp.com). Agendas can also be

requested via e-mail at susan.a.moore@comcast.net or by writing: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)893-8936.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION**

The FWCJUA announces an Executive Compensation Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: January 23, 2006, 11:00 a.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950, January 23, 2006, 11:00 a.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes, and the 2005 Special Project Bonus for the development and implementation of web-based application submission and producer authorization processes.

A copy of the agenda may be obtained from the FWCJUA’s website, www.fwcjua.com or by contacting Kathleen Coyne, Executive Assistant at (941)378-7400, ext. 5431.

**SUNSHINE STATE ONE-CALL OF FLORIDA**

Sunshine State One Call of Florida, Inc. (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. All meetings will be held at the SSOCOF call center, 11 Plantation Road, DeBary, FL 32713. Dress is business casual.

DATE AND TIME: January 19, 2006, Committee Meetings, 8:00 a.m.

- 8:00 Operations Committee – Harry Glenn
  - Call Center Statistics
  - Attrition Report
  - Customer Satisfaction Survey Responses
  - Language Line Pilot Status
  - FDOT SUE Pilot Project Results
  - Member Ticket Management System Contract
  - 811 Implementation Status
  - Vehicle Policy Amendment
  - New Vehicle Seat Belt Policy
- 10:00 Break
- 10:15 Damage Prevention Committee – Chris Calvert
  - Noncompliance Statistics
  - Enforcement Statistics

- Damage Prevention Symposium Results
  - Excavator Damage Prevention Education Project
  - Professional Angler Program Results
  - Children’s Damage Prevention Program
  - 12:00 Lunch – provided at call center for meeting participants and SSOCOF employees
  - 1:00 Finance Committee – Mickey Gauldin
    - FY 2005/06 Financial Reports
    - FY 2005/06 Delinquent Accounts Report
    - FY 2005/06 Contracts Approved
    - FY 2006/07 Preliminary Budget
  - 2:30 Break
  - 2:45 Legislative Ad Hoc Committee – Jeff Rodger
    - Legislative Report – Mike Moore
  - 4:00 Excavation Guide Ad Hoc Committee – Lynn Irvin
  - 4:30 Storm Planning Ad Hoc Committee – Dave Wheeler
  - 5:00 Adjourn
- Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.
- DATE AND TIME: January 20, 2006, Board Meeting, 8:00 a.m.
- 8:00 Secretary’s Report – Froilan Baez
    - Election to fill Director Seats (See SSOCOF website [www.callsunshine.com](http://www.callsunshine.com), or <http://www.callsunshine.com/corp/about/board/index.html> for qualification requirements)
    - Presentation of Service Recognition Award to Louis Panzer, AGT and Lisa Wingfield, Progress Energy
  - 8:15 Consent Agenda – Larry Batchelor
  - 8:45 Executive Director’s Report – Mark Sweet, Executive Director
  - 9:00 Trip Reports
  - 9:15 Legal Report – Dave Erwin, General Counsel
  - 9:45 Break
  - 10:00 Committee Reports
    - Operations Committee – Harry Glenn
    - Damage Prevention Committee – Chris Calvert
    - Finance Committee – Mickey Gauldin
    - Legislative Ad Hoc Committee - Jeff Rodger
    - Excavation Guide Ad Hoc Committee – Lynn Irvin
    - Storm Planning Ad Hoc – Dave Wheeler
  - 12:00 Lunch – provided at call center for meeting participants and SSOCOF employees
  - 1:00 Resume Committee Reports
  - 3:00 Break
  - 3:15 Open Discussion
  - 4:00 Problem Resolution
  - 5:00 Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center at (386)575-2000 at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center at (800)955-8771.

**ENTERPRISE FLORIDA**

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, January 24, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

Meeting: Enterprise Florida, Inc. Rural Issues Working Group  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, January 24, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

Meeting: Enterprise Florida, Inc. Marketing Working Group  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 25, 2006, 8:00 a.m. – 12:00 Noon

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

MEETING: Enterprise Florida, Inc. Stakeholders Council

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 25, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

MEETING: Enterprise Florida, Inc. Technology, Entrepreneurship & Capital (TEC) Council

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 25, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

Meeting: Enterprise Florida, Inc. Global Commerce Committee

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 25, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

MEETING: Enterprise Florida, Inc. Defense & Space Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, January 25, 2006, 4:00 p.m. – 5:00 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

MEETING: Enterprise Florida, Inc. Legislative Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, January 26, 2006, 8:30 a.m. – 12:30 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

MEETING: Enterprise Florida, Inc. Board of Directors Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

### TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority (TRDA)** announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: January 18, 2006, 1:00 p.m.

PLACE: TRDA – Conference Room, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Meeting

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, x243 or [dkershaw@trda.org](mailto:dkershaw@trda.org).

### SECURE AIRPORTS FOR FLORIDA ECONOMY COUNCIL

The **Secure Airports for Florida Economy Council (SAFE Council)** announces a public workshop to which all persons are invited.

DATE AND TIME: Friday, January 20, 2006, 10:00 a.m. to conclusion

PLACE: University of South Florida, Center for Urban Transportation Research Board Room, 4202 E. Fowler Ave., Tampa, FL 33620-5375

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss development of the SAFE Council Master Plan and to conduct necessary business of the Council.

Information regarding the workshop and teleconferencing facilities may be obtained by contacting: Bill Johnson, 250 John Knox Road, Suite 2, Tallahassee, FL 32303 (Phone: (850)224-2964).

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Council at least 48 hours before the meetings by contacting Bill Johnson, (850)224-2964.

### BROWARD COUNTY PROPERTY APPRAISER

The **Broward County Property Appraiser** will hold a Selection Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: January 18, 2006, 9:30 a.m.

PLACE: Broward County Property Appraiser's Main Office, 115 South Andrews Avenue, Room 111, Fort Lauderdale, Florida 33301, (954)357-6934

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to short list vendors to provide a Computer Assisted Mass Appraisal (CAMA) system.

For more information, visit [www.bcpa.net](http://www.bcpa.net) and select the link titled "RFPs & Lobbying" or call (954)357-6934.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**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:**

Peter J. Singhofen, P.E. and Streamline Technologies, Inc. vs. Board of Professional Engineers; Case No.: 05-3674RX; Rule No. 61F15-22.011

Southern Wood Piedmont Company vs. Department of Environmental Protection; Case No.: 05-3686RP; Rule No.: 62-730

Hanger Prosthetics and Orthotics, Inc. and Hugh J. Pantan vs. Department of Health, Board of Orthotists and Prosthetists; Case No.: 05-4350RP; Rule No.: 64B14-3.001

Florida Coalition for Children, Inc. vs. Department of Children and Family Services; Case No.: 05-4379RP; Rule No.: 65C-31.001-.009

Nicole Barnes, Quotilus Maria Barnes, Sheena Cooper, Pearlca Renee Frank, Linda-Marie Pettus-Grund, Shandreka Harris, Victoria Broadwater Hendrieth, Crystal Hunter, Beckie Merritt, Chrystal Pettus, Healthier Thompson, C. Walker, L.

Walker and J. Williams; vs. Department of Children and Family Services; Case No.: 05-4380RP; Rule No.: 65C-31.001-.009

The Florida Insurance Council, Inc. vs. Department of Financial Services; Case No.: 05-3520RP; Rule No.: 69L-6.023

Shelia M. Anderson vs. Department of Revenue; Case Nos.: 05-4570RX, 05-4557RX

Donald Chewning, Dennis Dodge, Leigha Rae Feyen, Leonard Paul Hebb, Christina Inserillo, Janice Overturf, Laura Deagle, Sunny Wood, Clifton Jones, Richard Lucas and Robert Klaproth, Jr. vs. Department of Law Enforcement; Case No.: 05-4068RU

Plastics Pipe Institute, Inc. vs. Department of Transportation; Case No.: 05-3781RU

Frank M. Bafford vs. Florida Commission on Human Relations; Case No.: 05-4681RU, 05-4688RU

Frank M. Bafford, Sr. vs. Florida Commission on Human Relations; Case No.: 05-3808RU, 05-3981RU

Carol Bafford vs. Florida Commission on Human Relations; Case No.: 05-4211RU, 05-4213RU, 05-4214RU, 05-4543RU

Fernando Viruet vs. Florida Civil Commitment Center, Department of Corrections, Desoto County Sheriff's Office Liberty Behavioral Health Corporation and Department of Children and Family Services; Case No.: 05-3562RU

Jacob R. Myers vs. Florida Civil Commitment Center, Department of Corrections, Desoto County Sheriff's Office Liberty Behavioral Health Corporation and Department of Children and Family Services; Case No.: 05-4004RU

Henry Davis vs. Department of Children and Family Services; Case No.: 05-3532RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

David McKalip, M.D. vs. Agency for Health Care Administration; Case No.: 05-1246RP; Rule Nos.: 59B-15.001-59B-15.007(1); Dismissed



Bowling Centers Association of Florida, Inc., Shore Lanes, Inc. and Sanford Finklestein vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 05-1882RP; Rule Nos.: 61A-7.006-.009; Denied

D. Gregory Ruck vs. Board of Professional Engineers; Case No.: 05-2033RX; Rule No.: 61G15-20.006(2); Invalid

Southern Wood Piedmont Company vs. Department of Environmental Protection; Case No.: 05-3686RP; Rule No.: 62-730; Dismissed

Florida Service Agreement vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 05-3342RP; Rule No.: 69O-138.002; Voluntarily Dismissed

Rezwan Ashdji, M.D. vs. Agency for Health Care Administration; Case No.: 05-2853RU; Withdrawn

Carol Bafford vs. Florida Commission on Human Relations; Case No.: 05-4211RU, 05-4213RU, 05-4214RU, 05-4543RU; Dismissed

Volusia County vs. Department of Environmental Protection and Warner and Mary Peacock; Case No.: 05-3395RU; Voluntarily Dismissed

Jacob R. Myers vs. Florida Civil Commitment Center, Department of Corrections, Desoto County Sheriff’s Office Liberty Behavioral Health Corporation and Department of Children and Family Services; Case No.: 05-4004RU; Dismissed

**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**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering will be required for the project listed below:

Project and Location: University of Education and Human Services Building – University of North Florida, Jacksonville, Florida.

The project consists of a new facility of approximately 107,000 gross square feet consisting of teaching labs, offices, and support space for the College of Education and Human Services. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services (each, aggregate and per occurrence).

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Florida Board of Education – Division of Colleges and Universities “Professional Qualifications Supplement” completed by the applicant’s office applying for the project. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. Minority Business participation will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Dottie Fischetti  
 University of North Florida  
 4567 St. Johns Bluff Road, South  
 Jacksonville, Florida 32224  
 e-mail: dfischet@unf.edu  
 (904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m. local time, on February 28, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

**ADVERTISEMENT FOR BIDS**

**Invitation To Bid (ITB)**

For a

**Roofing Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D.

**BIDS ARE DUE ON OR BEFORE February 15, 2006 AND WILL BE ACCEPTED UNTIL 2:00 P.M.**

**OFFICIAL PROJECT TITLE:** District wide Roof Replacement at Various Schools, Stage III, DCPS PROJECT NO.: M-87420

**SCOPE OF WORK:** Remove and replace all old deteriorated roofing at Maintenance Station No. 1 (A/C Shop), Thomas Jefferson Elementary School No. 48, Hogan-Spring Glen Elementary School No. 64, Spring Park Elementary School No. 72, and Hyde Grove Elementary School No. 214. The estimated construction cost budgeted not to exceed \$1,371,405.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on February 3, 2006, 9:00 a.m., 129 King Street, Room 37, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of: Akel, Logan & Shafer, P.A., 704 Rosselle Street, Jacksonville, Florida 32204.

DCSB Point of Contact: Dale Hughes, (904)858-6300

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room      Construction Bulletin

Construction Market Data, Inc.

National Association of  
 Minority Contractors

MBE Participation Goal:

5% Participation

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207, Phone (904)390-2358 or (904)390-2922, Fax (904)390-2265, e-mail: beaudoinr@educationcentral.org or faganr@education central.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**BOARD OF ADMINISTRATION**

**INVITATION TO NEGOTIATE**

The State Board of Administration of Florida (SBA) is soliciting competitive responses from parties interested in offering reinsurance related administrative services and actuarial consulting services to the Florida Hurricane Catastrophe Fund (FHCF). The Invitation to Negotiate (ITN) will be available on January 17, 2006, and may be obtained from the FHCF web site at <http://www.sbafla.com/fhcf/> (under "What's New"). The deadline for submitting responses is 4:00 p.m. EST on February 16, 2006. A meeting will be held on February 21, 2006, to discuss and evaluate the responses received. Oral presentations, if conducted, will be held March 1-2, 2006, and on-site reviews, if conducted, will take place March 9-10, 2006. On March 27, 2006, a meeting will be held to select vendor(s) to provide administrative and actuarial consulting services to the FHCF pending successful contract negotiations. The SBA reserves the right to reject any or all competitive proposals and to cancel any ITNs.

All meetings are open to the public and shall take place at the times and locations shown below:

**TIME:** All meetings shall begin at 9:00 a.m. EST and continue until the meeting is concluded.

PLACE: February 21, 2006 and March 27, 2006 meetings shall take place in Room 100, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308.

PLACE: The March 1-2, 2006 meetings, if conducted, shall take place in Room 116, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Any person requiring special accommodations to participate in any meeting is asked to advise Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; Tel. (850)413-1349, at least five (5) calendar days before the meeting.

**WATER MANAGEMENT DISTRICTS**

**REQUEST FOR QUALIFICATIONS #05/06-020 LM**

SRWMD is requesting qualifications from firms that can design and implement stabilization of beach banks to protect archaeological and cultural resources at Atsena Otie Key.

Proposed Schedule.

January 13, 2006	Release of Request for Qualifications
January 25, 2006	On-site inspection of area. (Date is weather dependent.) Attendance is not mandatory, but will provide information relevant to the project.
February 10, 2006	Qualifications due prior to 4:00 p.m. at SRWMD headquarters in Live Oak. Opening of qualifications at this time and date.
February 24, 2006	District selection of short listed firms.
April 11, 2006	Governing Board Approval for entering into contract with selected contractors subject to approval of FY 2006 Budget.
May & June 2006	Anticipated construction date.

Qualification packages may be obtained on or after January 13, 2006, by calling (386)362-1001 or logging on to [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com). Qualification packages will also be available at the pre-qualification conference.

For information regarding the on-site inspection, contact: Brian Kauffman, (386)362-1001. If, due to disability, you require a special accommodation to participate in any activity relating to this proposal, contact Gwen Lord by calling (386)362-1001.

**DEPARTMENT OF ELDER AFFAIRS**

**NOTICE OF INVITATION TO BID**

NOTICE IS HEREBY GIVEN BY SENIORS FIRST, INC., 5395 L.B. McLEOD ROAD, ORLANDO FLORIDA 32811, THAT THE AGENCY WILL RECEIVE SEALED BIDS FROM INTERESTED FOOD SERVICE VENDORS TO CONTRACT FOR THE PURCHASE OF MEALS FOR THE ELDERLY OF ORANGE COUNTY NO LATER THAN FEBRUARY 13, 2006 (3:00 P.M.), AT WHICH TIME AND PLACE ALL BIDS PROPERLY RECEIVED AND IN PROPER FORM SHALL BE OPENED PUBLICLY AND READ ALOUD AT 3:05 P.M.

ALL BIDDERS WILL BE REQUIRED TO CERTIFY THAT THEY ARE NOT ON THE COMPTROLLER GENERAL'S LIST OF INELIGIBLE CONTRACTORS. VENDORS ON SAID LIST WILL BE CONSIDERED INELIGIBLE.

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO COMPLY WITH ALL APPLICABLE EQUAL EMPLOYMENT LAWS AND REGULATIONS.

ANY PROPOSED CHANGES MUST BE SUBMITTED TO THE PURCHASER FOR ITS PRIOR CONCURRENCE IN ACCORDANCE WITH INSTRUCTIONS AND PROCEDURES CONTAINED IN THE BID PACKAGE.

THE PURCHASER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AND TO RE-ADVERTISE FOR BIDS.

**2006 COMMUNITY CARE FOR THE ELDERLY (CCE)/  
HOME CARE FOR THE ELDERLY (HCE)/  
ALZHEIMER'S DISEASE INITIATIVE (ADI)  
REQUEST FOR PROPOSAL (RFP)**

The Area Agency on Aging of Palm Beach/Treasure Coast, Inc. is requesting proposals for the provision of Case Management/Lead Agency services authorized under Community Care for the Elderly (CCE), the Alzheimer's Disease Initiative (ADI) and Home Care for the Elderly (HCE), for Indian River, Martin, Okeechobee, St. Lucie and Palm Beach counties for the three year funding period beginning July 1, 2006.

Proposal format and instructions will be available on February 17, 2006 from the Area Agency on Aging Palm Beach/Treasure Coast, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409, (561)684-5885. Proposal format and instructions may be picked on weekdays from 9:00 a.m. – 4:00 p.m. or sent certified mail, upon request.

A Bidder's Conference to review the RFP instructions and contract award process will be held on March 2, 2006, 10:00 a.m. EDT at Mangrove Bay, 110 Mangrove Bay Way, Jupiter, Florida 33477 (located on U.S. Highway 1, just south of Indiantown Road). Certified Women and Minority Business Enterprises are encouraged to participate in the Bidder's Conference.

Notice of Intent to Submit a Proposal and all Written Inquiries requesting clarifying information must be received by 3:00 p.m. EDT on March 6, 2006 at the Area Agency on Aging Palm Beach/Treasure Coast, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409, attention Laura MacDermeid, Contact Person. All Written Inquiries must reference both page number and section from the RFP. No verbal, telephone, fax, or email inquiries will be accepted.

All required bid documents are due by 3:00 p.m. EST on April 17, 2006 at the Area Agency on Aging Palm Beach/Treasure Coast, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409. Public Opening of all bids will be held at 3:15 p.m. EST on April 17, 2006 in the Area Agency on Aging Board Room.

The Area Agency on Aging reserves the right to reject any or all proposals or accept minor irregularities in the best interest elders in Planning and Service Area 9.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 70417200

SAMAS CODE: ECHD TF

PROJECT NAME AND LOCATION: Environmental Health – Second Floor, 1300 West Gregory St., Pensacola Florida

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633, F.S. Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction to Bidders under Article B-2 “Bidders Qualification Requirements and Procedures”.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.

5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: Construction of a Second Floor within former Drill Room of former Armory Building, removal and replacement of roofing systems, installation of bracing, installation/modification of mechanical and plumbing, electrical systems and related construction in existing building. Portions of the building will remain occupied during construction.

PRE-BID WALK THROUGH: Bay Design Associates, P.L., will hold a non mandatory pre-bid walk through meeting January 31, 2006, 2:00 p.m. local time at the project location. Potential Bidders are encouraged to attend.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

Minority Participation: In keeping with the One Florida Initiative, the Department of Health encourages minority business participation in all its solicitations. Bidders are encouraged to contact the Office of Supplier Diversity at (850)487-0915 or visit their website at <http://osd.dms.state.fl.us> for information on becoming a certified minority or for names of existing certified minorities who may be available for subcontracting or supplier opportunities.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: February 14, 2006, 2:00 p.m. local time

PLACE: Bay Design Associates, P.L., 720 Bayfront Parkway, Suite 200, Pensacola, FL 32502

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Bay Design Associates, P.L., 720 Bayfront Parkway, Pensacola, FL 32502

Telephone (850)432-0706, Facsimile (850)433-0508

DEPOSITS: The cost per set of bid documents is \$100.00. The General Contractor can receive two (2) sets refundable. The Mechanical, Plumbing, and Electrical sub-contractors can receive one (1) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, on February 14, 2006, at the bid opening location. In the event that the Bid Tabulation and Notice of Award

Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-22 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES FOR  
ARCHITECTURE-ENGINEERING

PROJECT NUMBER: 70436100  
PROJECT NAME: LEE (Ft. Myers) CHD –  
PONDELLA CLINIC  
SERVICES TO BE  
PROVIDED: Architecture-Engineering  
ESTIMATED  
CONSTRUCTION  
BUDGET: \$5,263,200.00  
SAMAS NO.: 64-30-1-000319-64200700-  
0008093-05

This announcement shall serve as a correction to the Response Due Date advertised on 12/23/2005.

Previously advertised due date: January 5, 2005

Corrected due date should be: January 5, 2006

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES

PROJECT NUMBER: DOH 70436100  
PROJECT NAME: LEE COUNTY HEALTH  
DEPARTMENT – FT. MYERS/  
PONDELLA CLINIC  
SAMAS NO: 64-30-1-000319-64200700-  
0008093-05

PROJECT LOCATION: FT. MYERS, FLORIDA

This announcement shall serve as a correction to the Response Due Date advertised on 12/23/2005.

Previously advertised due date: Thursday, January 5, 2006, by 4:00 p.m.

Corrected due date should be: Thursday, January 5, 2006, by 4:00 p.m.

**EARLY LEARNING COALITION OF THE NATURE  
COAST**

Request for Proposal #2005-06-Fiscal

The Early Learning Coalition of the Nature Coast, Inc. is requesting proposals for auditing services. The potential contractor will be responsible for auditing the financial documents of the Early Learning Coalition of the Nature Coast, Inc. The request for proposal will be released on January 18, 2006.

Copies may be obtained at [www.elc-naturecoast.org](http://www.elc-naturecoast.org) or by writing the procurement manager at: 1564 North Meadowcrest Blvd. Crystal River, FL 34429. Letters of Intent to Submit are due to the Coalition by 02/15/06. The deadline for all applications to be submitted is 03/01/06, 5:00 p.m. The contract award notice will be posted on 04/06/06. For more information contact Sonya Bosanko, (352)563-9939.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE OF FUNDING AVAILABILITY (NOFA)  
CITIZEN CORPS/CERT  
(Community Emergency Response Team)  
(Federal FY 06 DHS Subgrant Funding Availability)

The Florida Department of Community Affairs (DCA), Division of Emergency Management (DEM), announces the release of a Notice of Funding Availability (NOFA) in conjunction with the Citizen Corps Program. The purpose of the Citizen Corps Program is to engage Florida citizens through education, training, and volunteer service to make their community safer, stronger and better prepared to respond to all types of disasters. The purpose of the CERT (Community Emergency Response Team) Program is to promote a partnership between local emergency services and the people they serve. This is accomplished by training citizens, neighborhoods, community organizations and workplaces in basic emergency preparedness, response, and recovery skills to function in a "neighbor-helping-neighbor" community spirit and to train citizens to function as auxiliary personnel to first responders.

This NOFA will be available effective January 17, 2006 to any regional or local government in the State of Florida. Eligible applicants also include Fire Tax Districts, other taxing or special districts, school districts, and Native American Tribes or nations within the State of Florida.

The total funds available for these subgrants at this time are: (This may be adjusted up or down as final information from the Department of Homeland Security is clarified).

- A. At least \$227,132 for the formation of new Citizen Corps Councils and the continued operation/expansion of existing Citizen Corps Councils. These funds may also be used for Neighborhood Watch, Volunteers in Police Service, CERT, Fire Corps and Medical Reserve Corps volunteer recruiting, screening, and referral of volunteers to these programs. It is our understanding at the time of this notice that the funds available under this NOFA are not available for the operational funding for the Neighborhood Watch, Volunteers in Police Service, or the Medical Reserve Corps Program.

B. At least \$227,131 for the formation of new CERT Programs and the continued operation/expansion of existing CERT programs.

Note: Additional funds may become available for either or both programs at the discretion of the Florida Division of Emergency Management (“DEM”).

The DEM will accept separate competitive subgrant applications from eligible applicants for each of the following Citizen Corps activities:

A. Citizen Corps (General Program):

- Grant size is \$4,000-\$20,000, with no jurisdiction receiving more than \$20,000 in initial Citizen Corps General Program subgrant funds. Actual grant amounts may be less than requested.
- These funds are to be used to support the formation of Citizen Corps Councils, to enhance existing Citizen Corps Councils, and to carry out the Citizen Corps goals and objectives of education, training, recruiting, screening, and referring volunteers to the four federally-chartered Citizen Corps programs and other Citizen Corps partners.
- At a minimum, each application must include the following:
  - (a) The Citizen Corps Implementation Plan Strategy of the applicant to accomplish the mission of Citizen Corps in the applicant jurisdiction.
  - (b) Existing Citizen Corps Councils must include in their Implementation Plan Strategy how they intend to expand their existing programs.
  - (c) A plan for the sustainability of the program after the subgrant expires.
  - (d) The Citizen Corps Council must be properly registered with the Florida State Citizen Corps Office and that information must be updated quarterly.
  - (e) Preference will be given to those proposals which demonstrates a multi-jurisdictional, countywide, multi-council cooperative arrangement or regional concept.
  - (f) Preference will also be given to those existing Councils, which demonstrate effective, current programs serving as mentors in the development of Citizen Corps Councils in other jurisdictions.
  - (g) For applications from existing Citizen Corps Councils, past performance of the Council and its operations will be considered in the scoring and ranking of applications.

Certain restrictions exist on the permitted uses of these subgrant funds. DEM reserves the rights to increase grant size, provide multiple grants, or provide grants to applicants not originally funded at its discretion if additional funds or other funds become available.

A. CERT Program:

- Grant size is \$4,000-\$20,000, with no jurisdiction receiving more than \$20,000 in initial CERT Program subgrant funds. Actual grant amounts may be less than requested.

- Cost effectiveness of program and past performance will be considered in the scoring and ranking for existing programs.
- These funds may only be used for CERT training, instructor compensation, training supplies, training equipment, personal protective equipment (PPE), CERT team supplies and equipment, and start-up of teams in areas of the State where CERT is not currently constituted or for enhancement of current CERT programs.
- At a minimum, each application must include the following:
  - (a) A “CERT Annex Interface Document” detailing how the CERT Program integrates into the local Citizen Corps Council goals and objectives (if one currently exists).
  - (b) If a Citizen Corps Council does not currently exist, then the application must describe how the community intends to form a Citizen Corps Council and how the CERT Program will help partially fulfill the Citizen Corps mission in the community.
  - (c) If a Citizen Corps Council is proposed in the community, then the application must describe how the CERT Program will interface with the Citizen Corps Implementation plan Strategy.

Certain restrictions exist on the permitted uses of these subgrant funds. DEM reserves the right to increase grant size, provide multiple grants, or provide grants to applicants not originally funded at its discretion if additional funds or other funds become available.

It is important to note that both the Citizen Corps Council Program subgrant and the CERT Program subgrant will require tracking and monthly and quarterly reporting of the number of volunteers, the number of training courses, the number of training course graduates, and other similar information. Also, there will be financial reports due quarterly and selected financial information due monthly.

Subgrant applications must be received at the following location by no later than 4:30 p.m. EST, February 21, 2006. It is the applicant’s responsibility to ensure receipt of applications via mail, overnight delivery, hand delivery, or other means at the address and room number listed below by the time and date stated above:

Citizen Corps/CERT Program Office  
 Room 215-B, Sadowski Building  
 Department of Community Affairs  
 Division of Emergency Management  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

EACH APPLICATION PACKAGE MUST BE LABELED ON THE OUTSIDE AS FOLLOWS:

ATTN: Citizen Corps or CERT Subgrant  
 Application Enclosed



**FLORIDA HOUSING FINANCE CORPORATION****NOTICE OF FUNDING AVAILABILITY  
HOMEOWNERSHIP ASSISTANCE FOR MODERATE  
INCOME LOAN PROGRAM**

Pursuant to Section 420.509, Florida Statute, and Rule Chapter 67-51, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$105,000 for qualified mortgage loans for down payment and closing costs assistance under the Homeownership Assistance for Moderate Income Loan Program (HAMI). These HAMI Loans are expected to be made available to moderate income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). All HAMI Loans will be fully amortized second mortgage loans up to \$5,000 at a fixed interest rate not to exceed 5%, over a 10-year term. These loans will provide financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make HAMI Loan funds available on a first-come, first-served basis to eligible first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect

to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the proposed issuance of bonds should be directed to Edny Sanchez Gammons, Single Family Bonds Manager, (850)488-4197.

**OFFICE OF FINANCIAL REGULATION****NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 3, 2006:

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Community Shores Bank – Southeast Florida, Pompano Beach, Broward County, Florida 33062

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: December 29, 2005



**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 27, 2005  
 and December 30, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF REVENUE**  
**Division of Ad Valorem Tax**

12D-7.003	12/27/05	1/16/06	31/40	31/45
12D-8.0063	12/27/05	1/16/06	31/40	
12D-8.021	12/27/05	1/16/06	31/40	
12D-13.015	12/27/05	1/16/06	31/40	
12D-16.002	12/27/05	1/16/06	31/40	

**DEPARTMENT OF TRANSPORTATION**

14-98.005	12/28/05	1/17/06	31/36	31/48
14-98.008	12/28/05	1/17/06	31/36	31/48

**DEPARTMENT OF CORRECTIONS**

33-204.003	12/28/05	1/17/06	31/46	
33-602.222	12/27/05	1/16/06	31/46	

**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**

40E-8.011	12/30/05	1/19/06	31/43	
40E-8.021	12/30/05	1/19/06	31/43	
40E-8.351	12/30/05	1/19/06	31/43	
40E-8.421	12/30/05	1/19/06	31/43	

**DEPARTMENT OF MANAGEMENT SERVICES**  
**Agency for Workforce Innovation**

60BB-8.100	12/30/05	1/19/06	31/29	31/49
60BB-8.200	12/30/05	1/19/06	31/29	31/49
60BB-8.201	12/30/05	1/19/06	31/29	31/49
60BB-8.202	12/30/05	1/19/06	31/29	31/49
60BB-8.300	12/30/05	1/19/06	31/29	31/49

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverage and Tobacco**

61A-7.006	12/27/05	1/16/06	31/10	
61A-7.007	12/27/05	1/16/06	31/10	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61A-7.008	12/27/05	1/16/06	31/10	
61A-7.009	12/27/05	1/16/06	31/10	

**Florida Real Estate Appraisal Board**

61J1-4.001	12/28/05	1/17/06	31/47	
------------	----------	---------	-------	--

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-528.440	12/27/05	12/27/05	31/48	
62-528.450	12/27/05	12/27/05	31/48	
62-528.455	12/27/05	12/27/05	31/48	

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family**

64B4-4.0053	12/27/05	1/16/06	31/47	
64B4-5.001	12/27/05	1/16/06	31/47	
64B4-5.005	12/27/05	1/16/06	31/47	

**Board of Opticianry**

64B12-11.005	12/28/05	1/17/06	31/47	
64B12-11.017	12/28/05	1/17/06	31/47	

**Board of Orthotists and Prosthetists**

64B14-4.110	12/27/05	1/16/06	31/35	
64B14-7.001	12/27/05	1/16/06	31/35	

**Board of Physical Therapy Practice**

64B17-2.005	12/29/05	1/18/06	31/42	
-------------	----------	---------	-------	--

**Division of Family Health Services**

64F-12.001	12/30/05	1/19/06	31/41	31/47
64F-12.012	12/30/05	1/19/06	31/41	31/47
64F-12.013	12/30/05	1/19/06	31/41	31/47
64F-12.015	12/30/05	1/19/06	31/41	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

69J-2.001	12/28/05	1/17/06	31/45	
-----------	----------	---------	-------	--