

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

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 LAND AND WATER ADJUDICATORY COMMISSION

Tomoka Community Development District

RULE NO.: 42LL-1.002
 RULE TITLE: Boundary

PURPOSE AND EFFECT: The Petition, as amended during the public hearing held on February 22, 2006, before Judge J. Lawrence Johnston, was filed by the Tomoka Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 1,122 acres. (The District was originally established by Chapter 42LL-1, F.A.C., effective October 10, 2003. Petitioner discovered flaws in the legal description of the external boundaries of the District contained in Rule 42LL-1.002, F.A.C., resulting in the exclusion of significant portions of the lands thought to be included in the original Petition establishing the District. The subject boundary amendment will correct the flaws.) The District currently covers approximately 846 acres of land located in Flagler County in an area west of Interstate 95, northeast of U.S. Highway 1, south of Old Dixie Highway, and bounded on the east by the Florida Power and Light utility easement. After amendment, the District will encompass approximately 1,968 acres. The District currently contains two out-parcels located within the external boundaries of the District which remain excluded. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the lands comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners. Development contemplated for the Tomoka CDD, after expansion, consists of 1,586 single family homes, 330 multi-family homes, 18 holes of championship golf, and recreation areas. Services and facilities to be provided by the District for lands within the expansion parcel are included in the District’s adopted Improvement Plan and consist of stormwater infrastructure, entrances and landscaping, wetland compliance/mitigation, offsite

improvements, and engineering and permitting. The District has already funded, acquired, and/or constructed infrastructure improvements to the expansion parcel. Construction of the improvements is expected to be complete in 2006.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundary of the Tomoka Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, July 19, 2006, 2:00 p.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson or Wesley Haber, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: 60L-39
RULE CHAPTER TITLE: Florida State Employees Charitable Campaign

RULE NOS.:
 60L-39.001 Scope and Purpose
 60L-39.002 General Requirements
 60L-39.003 Statewide Steering Committee
 60L-39.004 Eligibility Criteria for Participation by Charitable Organizations
 60L-39.005 Application Procedures
 60L-39.006 Duties and Responsibilities of the Fiscal Agent
 60L-39.007 Appeals

PURPOSE AND EFFECT: To consider amendments to the Rules listed above, in light of appeals from the current campaign cycle and in light of recent legislative changes to Section 110.181, F.S.

SUBJECT AREA TO BE ADDRESSED: Scope and Purpose of Chapter 60L-39, F.S., General Requirements, Statewide Steering Committee, Eligibility Criteria for Participation by

Charitable Organizations, Application Procedures, Duties and Responsibilities of Fiscal Agent, Appeals and Undesignated Funds.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

A MEETING OF THE FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STATEWIDE STEERING COMMITTEE AND RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 19, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: 4050 Esplanade Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Kuczanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950; (850)921-4681

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.001	General Definitions
61D-14.004	Denial Criteria for Applications and Renewals
61D-14.005	Occupational License Requirements for Individual Persons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: A correction to the definition of "ticket" contained in Rule 61D-14.001, F.A.C.; clarification of the definition of convictions referenced in Section 550.1815, Florida Statutes, referenced in Rule 61D-14.004, F.A.C., and to correct a cross-reference to a rule contained in Rule 61D-14.005, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a),(1)(b), (d), (e), (g), (i), 551.104(4), 551.107(4)(a), 551.117, 551.118(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 17, 2006, 9:00 a.m. – 10:30 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON 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

Council of Licensed Midwifery

RULE NO.:	RULE TITLE:
64B24-5.004	Retired Status License

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(15), 467.005 FS.

LAW IMPLEMENTED: 456.036(2), (4), (8), (12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
 64B24-8.002 Disciplinary Action and Guidelines
 PURPOSE AND EFFECT: To update the rule.
 SUBJECT AREA TO BE ADDRESSED: Disciplinary Action and Guidelines.
 SPECIFIC AUTHORITY: 456.004(5) FS.
 LAW IMPLEMENTED: 467.201, 467.203 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 64E-2 Emergency Medical Services
 RULE NO.: RULE TITLE:
 64E-2.040 Funding for Verified Trauma Centers
 PURPOSE AND EFFECT: To revise the method for determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 7141 which passed in the 2006 Legislative Session.
 SUBJECT AREAS TO BE ADDRESSED: Trauma Center Funding Allocation.
 SPECIFIC AUTHORITY: 395.4036 FS.
 LAW IMPLEMENTED: HB 7141
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: July 17, 2006, 10:00 a.m. EDT
 PLACE: Renaissance Tampa International Plaza Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; email susan_mcdevitt@doh.state.fl.us; Fax (850)488-2512
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:
 69L-6.009 Forms and Instructions
 PURPOSE AND EFFECT: The purpose of this amendment is to update Form DWC-250, Notice of Election to be Exempt, and its instructions, so that applicants are provided an area where they may supply the Division with an e-mail address. The amendment also updates current addresses for field offices of the Division of Workers' Compensation's Bureau of Compliance. The effect of the amendment is to expand options for communication between the Division and applicants, and update field office addresses.
 SUBJECT AREA TO BE ADDRESSED: Form DWC-250, and its instructions, and field office addresses of the Division of Workers' Compensation's Bureau of Compliance.
 SPECIFIC AUTHORITY: 440.05, 440.591 FS.
 LAW IMPLEMENTED: 440.05 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Thursday, July 20, 2006, 11:00 a.m.
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 69L-6.009 Forms and Instructions.
- (1) No change.
- (a) DWC 250 Notice of Election to be Exempt, revised 5/06 ~~9/04~~; and instructions for same (~~Construction Industry Instructions for DWC 250, revised 9/01 and Non-Construction Industry Instructions for DWC 250, revised 2/00~~ Instructions for Completing Notice of Election to be Exempt, revised 5/06).
- (b) through (d) No change.
- (2) No change.
- (3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B
Suite 250
Jacksonville, FL 32209
Telephone (850)798-5806

1111 N. E. 25th Avenue, Suite 403
Ocala, FL 34470
Telephone (352)401-5350

2012 Capital Circle, S. E.
Suite 102, Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850)413-1609

2686 Chapman Drive
Panama City, FL 32405-4914
Telephone (850)747-5425

610 East Burgess Road
Pensacola, FL 32504-6320
Telephone (850)453-78507804

3111 South Dixie Highway
Suite 123
West Palm Beach, FL 33405
Telephone (561)837-54125716

499 N.W. 70th Avenue
Suite 116
Plantation, FL 33317
Telephone (954)321-31432906

12381 S. Cleveland Avenue
4415 Metro Parkway
Suite 506, Suite #300,
Ft. Myers, FL 3390716
Telephone (239)278-7239938-1840

1313 Tampa Street
Suite 503
Tampa, FL 33602
Telephone (813)221-6506

1718 Main Street
Suite 201
Sarasota, FL 34236
Telephone (941)361-6042

400 West Robinson Street
Room 512, North Tower
Orlando, FL 32801
Telephone (407)835-4406

401 N.W. 2nd Avenue
South Tower, Suite 321
Miami, FL 33128
Telephone (305)536-0306

Specific Authority 440.05, ~~440.05(9), 440.10, 440.185(7), 440.42(2), 440.591, 440.593~~ FS. Law Implemented 440.05, ~~440.103, 440.185(7), (9), 440.38(2), 440.42(2), 440.593~~ FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.012
RULE TITLE: Notice of Election to be Exempt
PURPOSE AND EFFECT: The purpose and effect of the amendment to the rule is to delete provisions of the existing rule that resulted from Chapter 2003-412, Laws of Florida, that due to the passage of time are no longer applicable to the exemption process, and to revise guidelines that relate to the submission of a Notice of Election to be Exempt to the Department, and the issuance, denial, and revocation of a Certificate of Election to Be Exempt by the Department.
SUBJECT AREA TO BE ADDRESSED: Notice of Election to be Exempt and Certificate of Election to Be Exempt issued by the Department.
SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.
LAW IMPLEMENTED: 440.02(15), 440.05 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: Thursday, July 20, 2006, 10:00 a.m.
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.012 Notice of Election to be Exempt.

~~(1) Certificates of Election to be Exempt issued on or before December 31, 2003, to persons engaged in the construction industry are void on and after January 1, 2004, pursuant to Chapter 2003-412, Laws of Florida. Chapter 2003-422, Laws of Florida, does not affect the provisions of Chapter 2003-412, Laws of Florida, and Chapter 440, F.S., beyond allowing persons engaged in the construction industry to qualify for the issuance of a Certificate of Election to be Exempt, Form DWC-252, if the person is a member and ten percent (10%) owner of a Limited Liability Company created and approved under Chapter 608, F.S.~~

~~(1)(a)(2) Legislative changes made through Chapters 2003-412 and 2003-422, Laws of Florida, that are effective January 1, 2004, allow only certain corporate officers engaged in the construction industry to file a Notice of Election to be Exempt and to be issued a valid Certificate of Election to be Exempt, Form DWC-252, as incorporated in paragraph (17)(a) below, by the Department pursuant to Section 440.05, F.S. Only corporate officers of non-dissolved or active corporations who meet the conditions for ~~on~~ the issuance of valid Certificates of Election to be Exempt as exemptions stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt. Only a business entity organized under Chapters 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.~~

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in

Rule 69L-6.009, F.A.C., must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

~~(3) Pursuant to Chapter 2003-412, Laws of Florida, Section 440.05, F.S., does not permit a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry to file a Notice of Election to be Exempt. Accordingly, the Department shall not issue a Certificate of Election to be Exempt to any sole proprietor or partner on or after January 1, 2004, because they are "employees" who are not eligible to be exempt under section 2 of Chapter 2003-412, Laws of Florida. Beginning January 1, 2004, the Department shall deny any Notice of Election to be Exempt (DWC-250) filed on the basis of the applicant being a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry.~~

~~(4) The Department shall inform the holder of a Certificate of Election to be Exempt that is rendered void pursuant to Chapter 2003-412, Laws of Florida, of the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(5) The Department shall issue without additional fee a new Certificate of Election to be Exempt to a sole proprietor of a sole proprietorship engaged in the construction industry, a partner in a partnership engaged in the construction industry, or a corporate officer engaged in the construction industry who:~~

~~(a) Holds a Certificate of Election to be Exempt issued between January 1, 2002 and December 31, 2003;~~

~~(b) Is eligible for the issuance of the Certificate of Election to be Exempt under Chapter 440, F.S., as amended by Chapters 2003-412 and 2003-422, Laws of Florida; and~~

~~(c) Files an Application for Re-Issuance of Notice of Election to be Exempt (DWC-250X) as a corporate officer of a corporation engaged in the construction industry in compliance with this rule.~~

~~(6) Any Certificate of Election to be Exempt re-issued pursuant to subsection (5) shall be valid only for the unexpired period of the prior Certificate of Election to be Exempt that was re-issued. The re-issued Certificate of Election to be Exempt shall expire on the date that the prior Certificate of Election to be Exempt would have expired.~~

~~(7) The Department shall inform an applicant who files a Notice of Election to be Exempt (DWC-250), which is incorporated in Rule 69L-6.009, F.A.C., on the basis that the applicant is a sole proprietor of a construction industry sole proprietorship or a partner in a construction industry partnership of the limitation of construction exemptions pursuant to Chapter 2003-412, Laws of Florida, and the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(2)(8) Any corporate officer engaged in the of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department Division a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.~~

~~(3)(9) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:~~

~~(a) A copy of any occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work; or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(b) The certified or registered license numbers A copy of any contractor licensing held by the applicant through a certification or registration issued pursuant to Chapter 489, F.S., or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer;~~

~~(c) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable; named by the corporate officer on the Notice of Election to be Exempt;~~

~~(d) The Social Security Number or the individual taxpayer identification number of the applicant;~~

~~(e) No change.~~

(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the department;

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

(g) For members of a limited liability company, documentation establishing the number of units of membership, or a notarized statement reflecting ~~attesting~~ that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

(h) The ~~primary~~ business(es) or trade(s) of the applicant;

(i) The applicant's corporate officer title or member status;

(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt that is filed with the department. If an applicant's payment is returned to the department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

~~(5)(10)~~ For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated corporations or business entities, the Department shall deny any Notice of Election to be Exempt that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities issued in the name of corporate officers of the corporation or group of affiliated corporations.

~~(6)(11)~~ For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

(a) A copy of ~~any~~ occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;

(b) The Federal Employer Identification Number issued to the corporation ~~named by the corporate officer on the Notice of Election to be Exempt;~~

(c) The Social Security Number or the individual taxpayer identification number of the applicant;

(d) through (e) No change.

(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

(g) The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer.

~~(7)(12)~~ Incomplete Notices of Election to be Exempt Applications, Issue Dates for Certificates of Election to be Exempt Duplicate Applications.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt application is mailed or otherwise returned by the Department Division to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt application, at which time the Notice of Election to be Exempt application shall be processed without any additional processing fee. The department shall deny the Notice of Election to be Exempt if the applicant fails to file with the department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt. Except for an Application for Re-issuance of Notice of Election to be Exempt that has been re-issued under subsection (5) of this rule, an application filed by an applicant who has an exemption on file for the same business, which is current at the time a duplicate application is received by the Division, shall be treated as a new application. Any duplicate exemption on file shall be null and void as of the date a new exemption is issued by the Division.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier. Any duplicate Certificate of

Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the Notice of Election to be Exempt is received by the department, whichever is earlier.

(8) Any Notice of Election to be Exempt which is returned to the applicant by the department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S., and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9)(13) Any corporate officer or of a construction corporation, member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry of a non-construction corporation who has been issued a Certificate of Election to be Exempt an exemption from the provisions of Florida's workers' compensation law (Chapter 440, F.S.), may revoke such certificate exemption by filing with the Department Division a Revocation of Election to be Exempt (DWC-250-R) as adopted in Rule 69L-6.009, F.A.C.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(14) Subject to the exceptions listed in Section 440.05(5), F.S., the issue date of any exemption is the date the Certificate of Election to be Exempt is approved and saved to the Coverage Compliance Automated System database of the Department.

(15) Notice of Election to be Exempt (DWC-250), or Revocation of Election to be Exempt (DWC-250-R), shall only be filed by an applicant on the applicant's own behalf.

~~(16) Any application for exemption or revocation of exemption which is returned to the applicant by the Division, within thirty days after receipt by the Division as incomplete, is not "received" for purposes of Section 440.05(5), F.S.~~

~~(17) The following forms are hereby incorporated by reference and can be obtained from the Bureau of Compliance, Division of Workers' Compensation, at www.fldfs/we/ or from any field office identified in Rule 69L-6.009, F.A.C.:~~

~~(a) Form DWC-252, Certificate of Exemption (revised January 2004).~~

~~(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt (revised February 2004).~~

~~(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).~~

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04,_____.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Florida Institute of Phosphate Research

RULE NOS.:	RULE TITLES:
6J-1.001	Purpose
6J-1.002	Offices
6J-1.003	The Board
6J-1.004	The Executive Director
6J-1.005	Meeting and Agenda
6J-1.006	Administration and Travel
6J-1.007	Grants

PURPOSE AND EFFECT: The purpose of revisions to Chapter Rule 6J-1 is to reduce the number of regularly scheduled meetings of the Institute's Board of Directors from 4 per year to 3 per year and to update the rules to be consistent with current Institute operations.

SUMMARY: The Board of Director's of the Florida Institute of Phosphate Research has decided to hold 3 regularly scheduled Board meetings each year instead of 4 in order to assure that funding of research projects is as closely aligned as possible to the Institute's budget and needs. Other changes in the rules are proposed so that the rules accurately reflect the current mode of operations of the Institute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Regulatory Cost has not 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: 378.101(4)(f) FS.

LAW IMPLEMENTED: 378.101, 378.102 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 RULES IS: Shannon E. Medley, Coordinator Administrative Services, Florida Institute of Phosphate Research (FIPR), 1855 West Main Street, Bartow, FL 33830, phone: (863)534-7160, fax: (863)534-7165

THE FULL TEXT OF THE PROPOSED RULES IS:

6J-1.001 Purpose.

The purpose of these rules is to govern the basic administration, organization and research program of the Florida Institute of Phosphate Research. As a research institute administered by the University of South Florida (USF), the policies and procedures of USF pertain to the Institute, except when they are in conflict with legislation pertaining to the Institute, the Administrative Code pertaining to the Institute, or the policies and procedures adopted by the Board of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented, 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.01, 6C-20.001, Amended 7-5-88,_____.

6J-1.002 Offices.

The general offices of the Florida Institute of Phosphate Research are located at 1855 West Main Street, Bartow, FL 33830, (phone (863)534-7160 ~~(813)533-0983~~).

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History—New 1-31-79, Formerly 6C-20.02, 6C-20.002, Amended 7-5-88,_____.

6J-1.003 The Board.

(1) A five member Board shall be appointed by the Governor, as provided by subsection 378.101(4), Florida Statutes.

(2) The members of the Board shall not be entitled to compensation, but shall be paid travel and per diem as provided in Section 112.061, Florida Statutes, while in the performance of their duties, and in traveling to, from, or upon the same.

(3) The Board shall oversee and direct the general conduct of the Institute through action taken at Board meetings. In so doing, the Board shall be responsible for adopting and revising policies to facilitate the administration of the Institute by rule, order or other appropriate action.

(4) The Board shall elect a Chairperson and Vice Chairperson from among its membership. Election shall be by majority vote of the membership and shall take place at the first meeting after October. The Chairperson and Vice Chairperson shall take office immediately after such election