

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.055 County Health Department Clinic Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.055 is to update provider requirements, specify fee-for-service reimbursement information, align the rule with the Florida Medicaid Statewide Medicaid Managed Care program, and change the title to County Health Department Clinic.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.055, F.A.C., County Health Department Clinic Services; 59G-4.100, F.A.C., Federally Qualified Health Center Services; and 59G-4.280, F.A.C., Rural Health Clinic Services. An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.055, 59G-4.100, and 59G-4.280, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 12, 2015, 10:00 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Cerasoli, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4228, e-mail: Mary.Cerasoli@ahca.myflorida.com
Comments will be received until 5:00 p.m., on November 13, 2015

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.055 County Health Department Clinic ~~Services~~.

(1) This rule applies to all county health department clinic (CHD) ~~services~~ providers that are enrolled in or registered with the Florida Medicaid program.

(2) All ~~CHD county health department clinic services~~ providers ~~enrolled in the Medicaid program~~ must comply with:

(a) Title 42, Code of Federal Regulations, Parts 440 and 491.

(b) The Florida Medicaid service-specific coverage policy, as applicable, incorporated by reference in Rule Chapter 59G-4, Florida Administrative Code, the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007, updated April 2008, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, incorporated by reference in Rule 59G 4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid.florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800) 289-7799 and selecting Option 7.

(3) Florida Medicaid reimburses CHD providers for services rendered through the fee-for-service delivery system at one encounter rate per day, per recipient, per provider. For rates,

see <http://ahca.myflorida.com/Medicaid/Finance/finance/institutional/index.shtml>.

Rulemaking Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, 11-17-03, 2-19-07, 9-29-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.100 Federally Qualified Health Center Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.100 is to update provider requirements, specify fee-for-service reimbursement information, align the rule with the Florida Medicaid Statewide Medicaid Managed Care program, and change the title to Federally Qualified Health Center.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.100, F.A.C., Federally Qualified Health Center Services; 59G-4.055, F.A.C., County Health Department Clinic Services; and 59G-4.280, F.A.C., Rural Health Clinic Services. An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.100, 59G-4.055, and 59G-4.280, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.9081 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 12, 2015, 10:00 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Cerasoli, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4228, e-mail: Mary.Cerasoli@ahca.myflorida.com
Comments will be received until 5:00 p.m., on November 13, 2015

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.100 Federally Qualified Health Center ~~Services~~.

(1) This rule applies to all federally qualified health centers (FQHC) that are enrolled in or registered with the Florida Medicaid program.

(2) All ~~FQHCs~~ federally qualified health center services providers enrolled in the Medicaid program must comply be in compliance with:

(a) Title 42, Code of Federal Regulations, Parts 440 and 491.

(b) The Florida Medicaid service-specific coverage policy, as applicable, incorporated by reference in Rule Chapter 59G-4, Florida Administrative Code. ~~the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007, updated April 2008, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G 4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800) 289 7799 and selecting Option 7.~~

(3) Florida Medicaid reimburses for services provided through the fee-for-service delivery system at an encounter rate. Providers may be reimbursed for up to one medical, one dental, and one behavioral health visit provided to a recipient on the same day. For rates, see <http://ahca.myflorida.com/Medicaid/Finance/finance/institutional/index.shtml>.

Rulemaking Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01, 11-17-03, 2-19-07, 9-29-08, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.280
RULE TITLE: Rural Health Clinic Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.280, F.A.C. is to update provider requirements, specify fee-for-service reimbursement information, align the rule with the Florida Medicaid Statewide Medicaid Managed Care program, and change the title to Rural Health Clinic.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.280, F.A.C., Rural Health Clinic Services; 59G-4.055, F.A.C., County Health Department Clinic Services; and 59G-4.100, F.A.C., Federally Qualified Health Center Services. An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.280, 59G-4.055, and 59G-4.100, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 12, 2015, 10:00 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Cerasoli, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4228, e-mail: Mary.Cerasoli@ahca.myflorida.com
Comments will be received until 5:00 p.m., on November 13, 2015

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.280 Rural Health Clinic ~~Services~~.

(1) This rule applies to all rural health clinics (RHC) providers that are enrolled in or registered with the Florida Medicaid program.

(2) All ~~RHC rural health clinic providers enrolled in the Medicaid program~~ must comply with:

(a) Title 42, Code of Federal Regulations, Parts 440 and 491.

(b) The Florida Medicaid service-specific coverage policy, as applicable, incorporated by reference in Rule Chapter 59G-4, Florida Administrative Code. ~~the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G 4.001, F.A.C. agent's website at http://floridamedicaid.acs-inc.com. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800) 377-8216.~~

(3) Florida Medicaid reimburses for services provided through the fee-for-service delivery system at one encounter rate per day, per recipient. For rates, see http://ahca.myflorida.com/Medicaid/Finance/finance/institutional/index.shtml.

Rulemaking Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 4-14-80, Amended 12-28-80, Formerly 10C-7.51, Amended 8-11-91, 1-19-93, Formerly 10C-7.051, Amended 6-29-94, 6-10-96, 6-24-98, 12-4-00, 5-31-04, 5-7-07,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:

- 69A-51.001 Scope
- 69A-51.050 Inspection Requirements
- 69A-51.075 Repairs
- 69A-51.085 Accidents

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rules, delete undefined terms and provide a telephone number and email address to report boiler accidents involving personal injury or explosion to the Boiler Safety Program.

SUBJECT AREA TO BE ADDRESSED: State Boiler Code.

RULEMAKING AUTHORITY: 554.103 FS.

LAW IMPLEMENTED: 554.103, 554.104, 554.108, 554.109, 554.1011, 554.111, 554.114, 554.115, 554.1101 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: November 17, 2015, 9:30 a.m.

PLACE: 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mike Burns at (850)413-3614 or Mike.Burns@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Burns, Chief Boiler Inspector, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3614 or Mike.Burns@myfloridacfo.com. The text of the proposed rules is also available on the Department's website @ <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/>. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: RULE TITLES:

2A-2.002 Victim Compensation Claims
 2A-2.013 Property Claims
 2A-2.014 Domestic Violence Relocation Assistance
 2A-2.015 Sexual Battery Relocation Assistance
 2A-2.016 Human Trafficking Relocation Assistance

PURPOSE AND EFFECT: To clarify definitions, documentation, benefits and procedures for claims, filed pursuant to the Crimes Compensation Act

SUMMARY: This rule provides clarification of the definitions, documentation requirements, and procedures for claims for victim compensation, property loss, domestic violence relocation assistance, sexual battery relocation assistance, and human trafficking relocation assistance for victims

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

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

RULEMAKING AUTHORITY: 960.045(1)(b), 960.13(9)(b) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198, 960.199 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Crum, Chief, Bureau of Victim Compensation

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Victim Compensation Claims.

(1) Application. An application for victim compensation should be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050 or faxed to (850)414-6197 or (850)414-5779; or emailed to VCIntake@myfloridalegal.com, or submitted via the department’s web-portal. The application entitled BVC100 Bureau of Victim Compensation Claim Form is incorporated at rule 2A-2.017(1), F.A.C. The application must include the following information:

- (a) No change.
- (b) Optional demographic data for federal statistical purposes, including race/ethnicity, gender, and national origin.
- (c) through (g) No change.
- (h) Insurance information, including the company (carrier) name, mailing address, telephone number, email address, and policy number, and explanation or statement of benefits ~~statements~~ for the following:
 - 1. State and federal programs (e.g.i.e., Medicare, Champus, Erisa, Medicaid);
 - 2. through (j)1. No change.
 - 2. Date reported to proper authorities law enforcement, the state attorney, or the Department of Children and Families;
 - 3. through (2)(a) No change.
 - (b) The victim/applicant must provide updated address and contact information, which shall be considered the address of record. Failure to update this information will result in denial of the claim ~~and a loss of appeal rights~~.
 - (c) No change.
 - (d) When an incomplete claim is received, the department will notify the claimant at their address of record, or their email address, if provided, of the information needed for eligibility determination and benefits.
 - (e) through (e)1. No change.
 - 2. Report from proper authorities law enforcement, state attorney, or Department of Children and Families documenting that:
 - a. No change.
 - b. The victim did not contribute to the infliction of his or her injury or death; ~~and~~,
 - c. The victim did not act unlawfully; ~~and~~-
 - d. The crime was reported to proper authorities within 72 hours from the time the incident was known to have occurred.
 - 3. No change.
 - 4. Proof of third-party payments such as insurance, restitution, judgments or settlements (e.g.i.e., copy of insurance explanation of benefits, settlement agreements, court documents for restitution and judgments), if applicable.
 - 5. No change.

6. Proof of the disability incurred as a result of the crime as verified in writing by the treating physician ~~or a copy of the victim's social security disability benefits approval document, if applicable.~~

(3) Reporting Time. When the crime was reported to the proper authorities beyond the 72 hour reporting requirement, the victim/applicant must provide an explanation for the late reporting which demonstrates good cause for the delay.

(a) Good cause is demonstrated when the victim/applicant was unaware that a crime had occurred; when the victim/applicant was not emotionally, mentally, or physically able to report the incident; when the victim/applicant believed that the proper authorities had been contacted and a report was filed; when the victim is/was a minor at the time of the incident; when the victim/applicant expressed feelings or shame, remorse, or embarrassment which prevented them from contacting the proper authorities; fear of retaliation or retribution by the offender, the offender's family, or the offender's acquaintances; or when a language or cultural barrier precludes effective communication with the proper authorities.

~~(4)(3)~~ Filing Time. When a claim is received later than one year after the crime and less than two years after the incident, the victim/applicant must provide an explanation for the late filing which ~~must~~ demonstrates good cause for the delay.

(a) Good cause is demonstrated when the record shows the victim/applicant was pursuing other means of recourse; ~~or~~ when the victim/applicant was not emotionally, mentally, or physically able to file the claim ~~within one year after the date of the crime;~~ or when a language or cultural barrier hinders the access needed to file the claim within one year of the date of crime.

(b) No explanation is acceptable for an adult filing a claim more than two years after the occurrence of the crime, unless Section 960.07(2)(c), 960.07(3)~~(b)~~, or 960.07(4) ~~or~~ 960.197(1)~~(b)~~, F.S., applies.

~~(5)(4)~~ Penalty Assessments.

(a) No change.

(b) Non-cooperation is established when ~~a the proper authority law enforcement agency or assistant state attorney~~ informs the department in writing that the victim:

1. through 4. No change.

(c) Contributory misconduct is based on information in writing from a proper authority law enforcement or the state attorney that the victim's conduct contributed to his or her injury or death.

(d) No change.

~~(6)(5)~~ Benefits.

(a) Collateral sources must be exhausted before the amount of any compensable benefit is determined, except loss of support and catastrophic disability.

(b) through (c) b. (III) No change.

~~(IV) Whether victim requires future treatment directly related to the injury;~~

~~(IV)(V)~~ Physician's name, mailing address, email address, telephone number, fax number, and federal identification number, and medical license number; and,

~~(V)(VI)~~ Physician's signature and date signed.

c. through (d) No change.

1. Available to eligible dependents of a deceased victim or intervener who was employed, was receiving reemployment assistance, or had applied for and would have been eligible for unemployment compensation benefits (reemployment assistance), at the time of the crime. Persons eligible for this benefit include:

a. through e. No change.

(e) Funeral/burial expenses are compensable and may be paid to the service provider or reimbursed to the applicant when the applicant has already paid the bill. The applicant must be identified on the funeral contract as the party who paid the funeral expenses or the party responsible for the unpaid funeral expense. Funeral/burial expenses are considered expenses associated with the funeral, services that constitute a funeral, transporting the deceased victim's remains, burying, entombing, internment, cremation, procession, wake, or memorial ceremony held in honor or observation of the deceased and any other expenses which are not otherwise listed but are directly related to a funeral/memorial ceremony or the care of the decedent. With exception to religious practices, food, beverages, and expenses associated with social events are not compensable.

(f) through (f)10. No change.

(g) Medical/dental/non-medical remedial care treatment) costs are compensable.

1. through 4. No change.

5. Medically necessary equipment (e.g., wheelchairs, oxygen tanks) and prosthetics) that are damaged during the crime. When the item was damaged during the crime, the law enforcement report must specifically identify what happened to the items.

6. No change.

~~(7)(6)~~ Documentation Requirements –

(a) through (b)9.b. No change.

c. Name of insurance company; and

d. Insurance company's mailing address, including city, state and zip code;

~~e. Name of insurance company adjuster or claims representative; and,~~

~~f. Email address and telephone number for contact person at insurance company.~~

10. through (g)1. No change.

2. Unemployment compensation (reemployment assistance) benefits statement;

3. Recent federal income tax return; or

4. Verification of earnings from the employer's human resources director or other authorized human resources supervisor, employee administrative services supervisor, chief financial officer, chief executive officer, president, or owner. ~~on the employer's letterhead and signed by the company's financial or chief executive officer; or~~

(h) through (l) No change.

Rulemaking Authority 960.045(1), 960.13(9)(b) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198 FS. History—New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03, 1-16-08, 7-1-10, 11-19-12, 10-1-14, 9-23-15, _____.

2A-2.013 Property Claims.

(1) An application for victim compensation shall be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050, faxed to (850) 414-6197 or (850) 414-5779; or emailed to VCIntake@myfloridalegal.com, or submitted via the department's web-portal. The application entitled BVC100 Bureau of Victim Compensation Claim Form is incorporated at rule 2A-2.017(1), F.A.C.

(2) No change.

(3) Proof of disability is required for persons between 18 and 60 years of age. Acceptable documentation includes written statements from the Department of Veteran Affairs, the Social Security Administration, or the victim's treating physician. Alternatively, the victim may submit form BVC410 Property Loss Disability Verification Form, which is incorporated at rule 2A-2.017(13), F.A.C.

(4) The criminal or delinquent act must be reported to law enforcement within 72 hours from the time that the event is known to have occurred. When the act is reported later than 72 hours after the incident occurred, the victim/applicant must provide an explanation for the reporting delay which demonstrates good cause. Acceptable explanations for good cause include:

(a) The victim was not emotionally, mentally, or physically able to report the incident within 72 hours;

(b) The victim was in fear of the offender and this fear has been communicated to the proper authorities;

(c) The victim believed that the proper authorities had already been notified;

(d) The victim was not in the vicinity to report the incident to the proper authorities in the manner in which the proper authorities directed;

(e) There was no knowledge that a criminal or delinquent act was committed prior to reporting the incident to the proper authorities;

(f) The victim/applicant was pursuing other means of recourse; or

(g) The victim, because of their age or disability, was physically unable to report the incident within 72 hours.

(5) The law enforcement report must identify and assign a value to the property for which compensation is sought. Alternatively, the law enforcement report must identify the property, and ~~receipts~~ acceptable documentation of replacement costs for actual damage may be provided by the victim if the value or estimated damage is not known at the time the law enforcement report is made.

(6) Acceptable documentation of replacement costs include a receipt for purchase of replacement item, official published advertisement, or written estimate from a retail establishment for the cost of an equivalent item. The written estimate must be on company letterhead and must include the retailer's name, address, and an email or website address, if any.

~~(7)(6)~~ Definitions:

(a) through (g) No change.

(h) "Tangible personal property" means property that can be seen, weighed, measured, felt, or touched or is in any way perceptible to the senses, ~~excluding abandoned property, cash or other negotiable instruments, contraband or other illicit items, fees (impound, pawn shop, towing), bank accounts, stock, options, and business goodwill.~~

(i) No change.

~~(8)(7)~~ Compensation may be paid for the cost of the item, plus tax, delivery and installation, up to a maximum of \$500 per claim and a \$1,000 lifetime maximum on all property loss claims. Victims/Applicants may apply and be eligible for issuance of the insurance waiver provision identified in section 624.128, F.S., regardless of the amount previously compensated.

~~(9)(8)~~ Objects can be valued only at replacement cost, regardless of sentimental value.

~~(10)(9)~~ Compensation is limited to items that are lawful tangible personal property of the victim.

(a) Examples of compensable tangible personal property include one's eyeglasses, watch, clock, telephone, personal computer, wheelchair, medicine, tools of one's trade, oxygen tank, and mailbox.

(b) Examples of property that are not compensable include abandoned property, cash or other negotiable instruments, contraband or other illicit items, exchange agreements, items that amount to a monetary loss, are intangible, or are cosmetic damage causing a devaluation of the property.

~~(10) Compensation is not available for contraband, other illicit items, or abandoned property.~~

(11) A “claim” may be filed for each incident in which a tangible loss is incurred as the result of criminal or delinquent acts. Multiple property losses and ongoing victimization within a reasonable period of time qualify as a single incident, and thus, only one claim may be filed.

~~(11) Acceptable documentation of replacement costs include a receipt for purchase of replacement item, official published advertisement, or written estimate from a retail establishment for the cost of an equivalent item. The written estimate must be on company letterhead and must include the retailer’s name, address, email address, and name and title of the employee providing the estimate.~~

(12) The victim/applicant must cooperate with the proper authorities in investigating and/or prosecuting known offenders. Upon learning that the victim/applicant has not cooperated, the department shall deny, reduce, or withdraw any award for compensation.

Rulemaking Authority 960.045(1)(b) FS. Law Implemented 960.195 FS. History—New 7-1-10, Amended 10-1-14, _____.

2A-2.014 Domestic Violence Relocation Assistance.

(1) No change.

(2) A certification must accompany the application for assistance. The claim and certification shall be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050; faxed to (850)414-6197 or (850)414-5779; or emailed to VCIntake@myfloridalegal.com, or submitted via the department’s web-portal. Failure to submit a properly completed certification will result in denial of benefits. A certification must be obtained from and completed by a certified domestic violence center that has been designated by the Office of the Attorney General to assist in the certification process. Domestic violence center representatives are qualified to certify applications up to two years after completion of specialized training. The application entitled BVC100 Bureau of Victim Compensation Claim Form is incorporated at rule 2A-2.017(1), F.A.C. The BVC106DV Domestic Violence Relocation Certification Worksheet is incorporated at rule 2A-2.017(2), F.A.C.

(3) through (6)(c) No change.

(6) The victim must cooperate with proper authorities, except when:

(d) A language or cultural barrier precludes effective communication with proper authorities.

(7) through (a) No change.

(b) Certify that he or she will comply with Section 960.198(2), F.S.;

(c) No change.

(d) Accept the funds at the center within 30 days of payment issuance;

(e) Submit receipts which must be received by the department to the department within 45 days of payment issuance receipt of the funds; and

(f) through (g) No change.

(h) Acknowledge that the department shall deny, reduce, or withdraw any award if receipts are not received by the department submitted within 45 days of payment issuance, or if receipts do not reflect compensable relocation expenditures.

(8) through (9) No change.

(a) Certify compliance with the provisions of Section 960.198(2), F.S.

(b) through (g) No change.

(h) Verify that an Office of the Attorney General authorized applicant assistant must witness the victim’s acceptance of payment and forward a signed Notification of Possible Recoupment and/or Prosecution for Fraud Form to the department; ~~and~~

(i) Verify that the victim/applicant has provided personal identification; ~~and-~~

(j) Verify that the victim has developed a safety plan.

(10) No change.

(11) Proof of a domestic violence crime which meets the definition of Section 741.28(2), F.S., must come from a proper authority. A BVC430 Law Enforcement Information Reporting Form may be used instead of a complete law enforcement report to prove a crime occurred. The BVC430 Law Enforcement Information Reporting Form contains a checklist of the eligibility criteria and shortened narrative detailing the incident, and is incorporated by reference at rule 2A-2.017(9), F.A.C.

~~(12)(11)~~ The certification shall include the victim’s name and date of birth; the applicant’s name and date of birth, if applicable, and the certified domestic violence center applicant assistant’s name, mailing address, email address, telephone number and fax number.

~~(13)(12)~~ If approved, the award will be made payable to the victim and mailed to the respective certified domestic violence center. The victim must accept the funds at the certified domestic violence center within 30 days of payment issuance issue. An applicant assistant must witness the acceptance of payment. The BVC421DV Notification of Possible Recoupment and/or Prosecution for Fraud Form is incorporated at rule 2A-2.017(5), F.A.C. and reiterates the

importance of utilizing funds for approved expenditures in accordance with the obligations acknowledged on the certification worksheet. The following must be signed by the victim/applicant:

(a) The victim/applicant attests to the fact that they will fully comply with the requests of the proper authorities, and in prosecuting known offenders;

(b) The victim/applicant agrees to spend the award and submit receipts for approved expenditures listed on the certification worksheet. They affirm understanding that efforts to recoup the monies will be initiated if the necessary documentation is not received by the department within 45 days from payment issuance;

(c) The victim/applicant is aware that efforts to recoup monies will be initiated if receipts are not submitted;

(d) The victim/applicant is aware that they will face possible criminal prosecution for fraud if false representations to receive the money or use the funds for purposes other than relocating as identified on their safety plan are proven; and

(e) The victim/applicant acknowledges receipt of the funds in the amount of the payment as approved by the Office of the Attorney General, Bureau of Victim Compensation.

(f) The victim/applicant is aware that no additional benefits of any type can be approved until the department receives proof of compensable receipts.

~~(14)(13)~~ Monies payable under Section 960.198, F.S., may be made in the form of a bank card, voucher, check, or state warrant, or any other method determined by the Office of the Attorney General, Bureau of Victim Compensation. Awards will be administered based on the availability of funds. The department shall determine how those funds are disbursed.

~~(15)(14)~~ Any attempt to spend funds for unauthorized goods or services will result in withdrawal of the award and denial of the application. Any expense not directly related to relocation is an unauthorized expenditure.

~~(16)(15)~~ If the victim has not accepted the funds at the center within 30 days of payment issuance ~~issue~~, the center shall return the funds to the department and certification of immediate need will be revoked.

~~(17)(16)~~ Upon receipt of the returned funds by the department, eligibility will be rescinded. ~~This action does not in any way create further appeal rights.~~

Rulemaking Authority 960.045(1)(b) FS. Law Implemented 960.198 FS. History—New 7-1-10, Amended 10-1-14, _____

2A-2.015 Sexual Battery Relocation Assistance.

(1) through (5)(c) No change.

(d) A certified representative will be available to witness the victim's acceptance of payment and forward a signed Notification of Possible Recoupment and/or Prosecution for

~~Fraud Form Notification of Recoupment Form~~ to the department; and

(e) No change.

(f) If the award is not picked up by the victim/applicant within 30 days of issuance, their certification of the attached application will be revoked and the claim will be denied;

~~(g) A crisis center representative must witness the victim's acceptance of payment and forward a signed Notification of Possible Recoupment and/or Prosecution for Fraud Form to the department.~~

~~(6) A certification must accompany the application for assistance.~~ The claim and certification shall be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050; faxed to (850)414-6197 or (850)414-5779; or emailed to VCIntake@myfloridalegal, or submitted via the department's web-portal. Failure to submit a properly completed certification will result in denial of benefits. The application entitled BVC100 Bureau of Victim Compensation Claim Form is incorporated at rule 2A-2.017(1), F.A.C. The BVC106RS Sexual Battery Relocation Certification Worksheet is incorporated at rule 2A-2.017(3), F.A.C.

(7) When an application for relocation is received later than one year after the crime and less than two years after the incident, the claimant must provide a good cause ~~an~~ explanation for the late filing.

~~(a) Good cause for late filing is demonstrated when the record shows the claimant was pursuing other means of recourse, did not know about the program, or when the claimant was not emotionally, mentally, or physically able to file the claim within one year after the date of the crime. Acceptable explanations for good cause include:~~

1. The record shows the claimant was pursuing other means of recourse;

2. The victim did not know about the program;

3. The claimant was not emotionally, mentally, or physically able to file the claim within one year after the date of the crime; or

4. A language or cultural barrier exists which precluded accessibility to the application and/or certification.

(b) through (8)(b) No change.

(c) The victim is a child under the age of 18; ~~or~~

(d) There was no knowledge that a crime was committed prior to reporting the incident to the proper authorities; ~~or;~~

(e) A language or cultural barrier exists which prevented the victim from reporting the incident to the proper authorities within 72 hours.

(9) through (e) No change.

(f) Submit receipts which must be received by ~~to~~ the department within 45 days from the date the payment was issued ~~of receipt of the funds;~~

(g) through (i) No change.

(j) Acknowledge that the department shall deny, reduce, or withdraw any award if receipts are not received by the department within 45 days of payment issuance, or if receipts do not reflect compensable relocation assistance expenses.

(10) Proof of a sexual battery crime must come from a proper authority. A BVC430 Law Enforcement Information Reporting Form may be used instead of a complete law enforcement report to prove a crime occurred. The BVC430 Law Enforcement Reporting Form contains a checklist of the eligibility criteria and shortened narrative detailing the incident, and is available only from the Office of the Attorney General, Bureau of Victim Compensation. The BVC430 Law Enforcement Information Reporting Form is incorporated at rule 2A-2.017(9), F.A.C.

(11) through (12) No change.

(13) The Office of the Attorney General authorized applicant assistant must:

(a) Certify compliance with the provisions of section 960.199, F.S.;

(b) Verify that the crime incident was identified by the proper authorities as a sexual battery defined by 794.011, F.S.;

(c) Verify that the victim is in need of relocation assistance based on a reasonable fear for their continued safety at their current residence due to the sexual battery crime;

(d) Verify that the victim is cooperating with the proper authorities, the department, and the state attorney in prosecuting known offenders;

(e) Affirm that the victim/applicant provided personal identification documentation which was reviewed prior to certifying the application;

(f) Verify that the victim has developed a safety plan;

(g) Acknowledge understanding that they or another representative must witness the victim's acceptance of payment and forward a signed Notification of Recoupment and/or Prosecution for Fraud Form to the department; and

(h) Verify that they have notified the victim/applicant that if funds are awarded, he/she must accept the funds at the center within 30 days of payment issuance. If the payment is not collected, they authorize the department to rescind eligibility and revoke their certification of that application.

(14)(13) If approved, the award will be made payable to the victim as a reimbursement or advance based on a written estimate. Payments will be forwarded to the respective certified rape crisis center. Awards will be administered based on the availability of funds. The department shall determine how those funds are disbursed. Monies paid may be made in the form of a bank card, voucher, check, electronic transmittal, state warrant, or any other method approved by the Office of the Attorney General, Bureau of Victim Compensation.

~~(15)(14) A certified rape crisis center representative must witness the acceptance of payment. The certified representative will be responsible for having the victim acknowledge and sign a notification of possible recoupment before providing the award to the victim. Any attempt to spend funds for unauthorized goods or services will result in withdrawal of the award. Any expense not directly related to relocation is an unauthorized expenditure. If a recoupment notice is issued because receipts were not acceptable or were not submitted, then additional benefits on any claim will be suspended for that individual by this department until the recouped amount has been satisfied. The BVC421RS Notification of Possible Recoupment and /or Prosecution for Fraud Form is incorporated at rule 2A-2.017(6), F.A.C. and reiterates the importance of utilizing funds for approved expenditures in accordance with the obligations acknowledged on the certification worksheet. The following must be agreed to by the victim/applicant:~~

~~(a) Acknowledge understanding that they must comply with the obligations set forth in Section 960.199, F.S.;~~

~~(b) Affirm that they will fully comply with the requests of proper authorities, and will cooperate with prosecuting known offenders. Acknowledge understanding that failure to cooperate will result in a denial of eligibility and a withdrawal of the award;~~

~~(c) Agree to submit receipts for approved expenses as listed on the Sexual Battery Relocation Certification Worksheet. Receipts must be received by the department within 45 days from payment issuance;~~

~~(d) Affirm understanding that efforts to recoup the monies will be initiated if the necessary documentation is not received by the department within 45 days of payment issuance, or if receipts do not reflect compensable relocation expenditures;~~

~~(e) Understand that they will face possible criminal prosecution for fraud under Section 960.18, F.S., if they have made false representations to receive the money or do not use the funds in accordance with their safety plan.~~

~~(f) The victim/applicant is aware that no additional benefits of any type can be approved until the department receives proof of compensable expenses.~~

~~(16)(15) If the victim has not accepted the funds at the center within 30 days of issue, the center shall return the funds to the department and withdraw the certification. Upon receipt of the returned funds by the department, eligibility will be withdrawn. This action does not in any way create further appeal rights.~~

Rulemaking Authority 960.045(1)(b) FS. Law Implemented 960.199 FS. History—New 11-19-12, Amended 10-1-14,_____.

2A-2.016 Human Trafficking Relocation Assistance

(1) To be eligible for human trafficking relocation assistance, the victim's need for assistance must be certified by a certified rape crisis center or domestic violence center representative, except in cases that exceed the two year filing requirement and are certified by a state attorney, or statewide or federal prosecutor who has jurisdiction over the crime. ~~or by the state attorney or statewide prosecutor who has jurisdiction over the crime.~~ The certification must accompany the application.

(2) The application and certification shall be mailed to the Office of the Attorney General, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, FL 32399-1050; faxed to (850)414-6197 or (850)414-5779; or emailed to VCIntake@myfloridalegal.com, or submitted via the department's web-portal. The application entitled BVC100 Bureau of Victim Compensation Claim Form is incorporated at rule 2A-2.017(1), F.A.C. The BVC106HT Human Trafficking Relocation Certification Worksheet is incorporated at rule 2A-2.017(4), F.A.C.

~~(3) A certified rape crisis center or domestic violence center representative's certification must include additional approval by a state attorney or statewide prosecutor attesting to the victim's cooperation with the proper authorities.~~

~~(3)(4)~~ A certified rape crisis or domestic violence center representative is one who has completed specialized training provided by the Office of the Attorney General and is authorized to assist the victim in filing a claim for human trafficking relocation assistance. Center representatives are qualified to certify applications for up to two years after completion of specialized training. Training certification is withdrawn when the center representative resigns or is terminated from their existing position.

(4) Application for relocation assistance must be received by the Office of the Attorney General, Bureau of Victim Compensation within 45 days immediately following the crime or an identifiable threat by a human trafficking offender, as defined in Sections 787.06(3)(b),(d),(f), or (g), F.S.

(5) For a faxed application to be timely submitted, the transmittal cover page must include the name of the victim and must bear a faxed date stamp that is within 45 days immediately following the crime or threat.

(6) "Urgent assistance" is defined as 45 days directly following the crime or an identifiable threat by a human trafficking offender, as defined in Sections 787.06(3) (b), (d), (f), or (g), F.S., Both the crime and identifiable threat must be communicated to the proper authorities.

(7) Exceptions to urgent assistance include:

(a) Victims for whom a convicted human trafficking offender is within 30 days of pending release from incarceration. In cases involving release, the original human trafficking offense report must be provided along with court or Department of Corrections documentation regarding pending release of the offender.

(b) When law enforcement, state attorney, statewide prosecutor, or federal prosecutor says in writing there is a present need to relocate the victim due to the threat of future violence.

~~(8)(5)~~ The certification worksheet shall include the victim's name and date of birth; the applicant's name and date of birth, if applicable; the last four digits of the victim/applicant's social security number for authentication purposes; a statement describing how funding will be used to execute the safety measures outlined in the victim's safety plan; identification of each relocation expense; and the following victim/applicant acknowledgements:

(a) The victim/applicant will comply with Section 960.1969, F.S., and understands that criminal prosecution for fraud shall be pursued if they make false representations to receive money pursuant to Section 960.18, F.S.;

(b) The victim/applicant ~~does not currently live with and will not in the future live with~~ any offender involved in the human trafficking offense ~~the abuser/offender if the abuser/offender is known;~~

~~(c) The victim/applicant attests to the fact that there are no other collateral resources to assist with relocation expenses;~~

~~(c)(d)~~ The victim/applicant agrees to provide the department with itemized receipts which must be received within 45 days of payment issuance;

~~(d)(e)~~ The victim acknowledges understanding that receipts must be emailed to VCIntake@myfloridalegal.com, or faxed to (850)414-6197 or (850)414-5779 to be considered for any additional awards.

~~(e)(f)~~ The victim/applicant understands that the department shall deny, reduce, or withdraw any award for compensation if receipts are not received submitted within 45 days of payment issuance, or if receipts ~~submitted~~ do not reflect compensable expenditures necessary for relocation;

~~(f)(g)~~ The victim/applicant attests to the fact that they require financial assistance for relocating based on an urgent need to escape from an unsafe environment directly resulting from the human trafficking offense as described in section 787.06 (3)(b), (d), (f), or (g), F.S. the crime was committed at their place of residence or in a location that led them to reasonably fear for their continued safety in their place of residence;

~~(g)(h)~~ The victim/applicant must duly swear to cooperate with the proper authorities, including but not limited to the state attorney, statewide and federal prosecutors, all law enforcement agencies, and the department;

~~(h)(i)~~ The victim/applicant must acknowledge ~~assures the department~~ that the application is being made within one year from the date of crime. If not, the victim/applicant must provide a good cause explanation; ~~and~~

~~(j)~~ ~~The victim/applicant assures the department that the crime was reported to the proper authorities within 72 hours. If not, the victim/applicant must provide a good cause explanation.~~

~~(9)(6)~~ When an application for relocation is received later than one year after the crime and less than two years after the incident, the victim/applicant must provide a good cause explanation for the delayed late filing. Acceptable explanations for good cause include:

~~(a)~~ ~~Good cause for late filing is demonstrated when~~ The record shows the victim was pursuing other means for obtaining financial assistance with relocation expenses; of recourse,

~~(b)~~ ~~The victim did not know about the program; or when~~

~~(c)~~ ~~The victim was not emotionally, mentally, or physically able to file the claim within one year after the date of the crime; or-~~

~~(d)~~ ~~A language or cultural barrier exists which precluded accessibility to the application or certification.~~

~~(b)~~ ~~No explanation is acceptable for an adult filing a claim more than two years after the occurrence of the crime under this section.~~

~~(10)~~ In cases that exceed the two year filing requirement the victim's need for assistance must be verified in writing by a state attorney, or statewide or federal prosecutor who has jurisdiction over the crime. The verification must affirm that there is an active ongoing investigation, and that the victim needs to relocate from an unsafe environment due to the threat of future violence which is directly related to the human trafficking offense.

~~(7)~~ ~~The incident must be reported to the proper authorities within 72 hours after the occurrence. Exceptions for good cause include:~~

~~(a)~~ ~~The victim was not emotionally, mentally, or physically able to report the crime within 72 hours;~~

~~(b)~~ ~~The victim was in fear of the offender and this fear was communicated to the proper authorities;~~

~~(c)~~ ~~The victim is a child under the age of 18; or~~

~~(d)~~ ~~There was no knowledge that a crime was committed prior to reporting the incident to the proper authorities.~~

~~(11)(8)~~ By certifying the worksheet, the certified rape crisis center representative, certified domestic violence center representative, state attorney, or statewide prosecutor affirms the following:

~~(a)~~ No change.

~~(b)~~ The victim's urgent need to relocate results from the human trafficking crime, and that this certification is being completed within 45 days immediately following the crime, or an identifiable threat by a human trafficking offender, which has been communicated to proper authorities; or that it has been more than 2 years from the last date of the crime and the State Attorney, Statewide or Federal Prosecutor has determined the victim's need to relocate is due to the threat of future violence, and there is currently an active and ongoing investigation. The victim/applicant is in need of relocation assistance based on a reasonable fear for their continued safety at their current place of residence;

~~(c)~~ through ~~(f)~~ No change.

~~(g)~~ The victim/applicant has cooperated with proper authorities in investigating and prosecuting known offenders.

~~(h)~~ The victim/applicant has been notified of all applicable rules and regulation, and that failure to comply with those requirements shall result in a withdrawal of the award and a denial of the claim.

~~(9)~~ ~~By approving the victim's cooperation, the state attorney or the statewide prosecutor affirms the following:~~

~~(a)~~ ~~The office they represent has jurisdiction for prosecuting the human trafficking crime; and~~

~~(b)~~ ~~The victim has cooperated with law enforcement officials in investigating and prosecuting known offenders.~~

~~(12)(10)~~ Proof of a human trafficking crime which meets the definition of Sections 787.06(3)(b), (d), (f) or (g), F.S., must come from a proper authority. A BVC430 Law Enforcement Information Reporting Form may be used instead of a complete law enforcement report to prove a crime occurred. The BVC430 Law Enforcement Information Reporting Form is incorporated at rule 2A-2.017(9), F.A.C., and contains a checklist of the eligibility criteria and shortened narrative detailing the incident, and is available only from the Office of the Attorney General, Bureau of Victim Compensation.

~~(13)(11)~~ It is the responsibility of the certifying representative certified rape crisis center, certified domestic violence center, state attorney, or statewide prosecutor to obtain and review personal identification documentation before certifying a victim's need for assistance.

~~(14)(12)~~ If approved, the award will be made payable to the victim/applicant as a reimbursement or advance based on the written specified dollar amount recorded by the victim/applicant on the certification worksheet. Payments will be forwarded to the certifying center or respective certified

~~rape crisis center, certified domestic violence center, state attorney's office, or statewide prosecutor's office.~~ Awards will be administered based on the availability of funds. The department shall determine how those funds are disbursed. Monies paid may be made in the form of a bank card, voucher, check, electronic transmittal, state warrant, or any other method approved by the Office of the Attorney General, Bureau of Victim Compensation.

~~(15)(13) A representative from the certifying center or office certified rape crisis or domestic violence center representative, state attorney, or statewide prosecutor~~ must witness the victim/applicant's acceptance of payment ~~and~~ . ~~The representative~~ will be responsible for having the victim/applicant acknowledge and sign a Notification of Possible Recoupment and/or Prosecution for Fraud Form before providing the award to the victim/applicant. The distributing representative must forward same ~~will also be responsible for forwarding the Notification of Possible Recoupment and/or Prosecution for Fraud~~ to the Office of the Attorney General, Bureau of Victim Compensation.

~~(16)(14) The certified rape crisis or domestic violence center representative, state attorney, or statewide prosecutor~~ who is distributing the payment must verify that they have counseled the recipient in regards to all aspects of the program and the obligations and responsibilities for receiving the funds, and verify the certification information as it was originally submitted.

~~(17)(15) The Notification of Possible Recoupment and/or Prosecution for Fraud Form~~ is incorporated by rule at 2A-2.017(7), F.A.C., and reiterates the importance of utilizing funds for approved expenditures in accordance with the obligations acknowledged on the certification worksheet. The following must be signed by the victim/applicant:

- (a) No change.
- (b) The victim/applicant agrees to spend the award and submit receipts for approved expenditures listed on the certification worksheet which must be received by the department within 45 days from payment issuance;
- (c) The victim/applicant is aware that efforts to recoup monies will be initiated if receipts are not received submitted within 45 days of payment issuance;
- (d) through (e) No change.

~~(18)(16) If the victim/applicant has not accepted the funds at the center or office within 30 days of issuance, the certified rape crisis or domestic violence center, state attorney, or statewide prosecutor shall return the funds to the department and withdraw the certification. Upon receipt of the returned funds by the department, eligibility will be rescinded. This action does not in any way create further appeal rights.~~

~~(19)(17) Any attempt to spend funds for unauthorized goods or services will result in withdrawal of the award. Any~~

expense not directly related to relocation is an unauthorized expenditure. If a recoupment notice is issued because receipts were not acceptable or were not submitted, then additional benefits on any claim will be suspended for that individual by this department until the recouped amount has been satisfied.

~~(20)(18) By delegation or appointment by a state attorney, an assistant state attorney is qualified to complete the certification worksheet, certify the victim's cooperation, and witness payment acceptance.~~

(21) The victim/applicant must cooperate with proper authorities in investigating and/or prosecuting known offenders. Upon learning that the victim/applicant has not cooperated, the department shall deny, reduce, or withdraw any award for compensation.

Rulemaking Authority 960.045(1)(b) FS. Law Implemented 960.07(1), 960.07(2), 960.13(1), 960.13(2), 960.13(3) 960.199 FS. History—New 10-20-14, Amended .

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Crum, Chief, Bureau of Victim Compensation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Attorney General Pam Bondi
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 20, 2015

DEPARTMENT OF REVENUE

RULE NO.: 12-10.008
 RULE TITLE: Administration

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-10.008, F.A.C., is to repeal the form currently used to continue participation in the state revenue sharing. The Department of Revenue is no longer requiring the State Revenue Sharing Application, form DR-700218, to be submitted annually. The Department of Revenue determined that each local government already certifies the requirements of Section 200.065, F.S., to the Department's Property Tax Oversight Program. Eliminating the application will reduce any duplication of information provided by the local governments, which will save time and financial resources.

SUMMARY: The proposed amendment to Rule 12-10.008, F.A.C., repeals form DR-700218.

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

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

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

RULEMAKING AUTHORITY: 218.26(1) FS.

LAW IMPLEMENTED: 218.21, 218.215, 218.23, 218.245, 218.25, 218.26 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-10.008 Administration.

(1) through (2) No change.

~~(3) Each year, prior to June 30, each unit of local government must make application to the department for continued participation. Form DR 700218, Revenue Sharing Application, dated 04/98, is hereby adopted by reference as the form used by the Department of Revenue for the purposes of this rule. A copy of this form is available, without cost, by one or more of the following methods: 1) writing the Florida~~

~~Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112; or, 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 1(800) 352-3671; 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 Florida Relay Service at 1(800) 955-8770 (Voice) and 1(800) 955-8771 (TTY).~~

(4) Renumbered (3) No change.

Rulemaking Authority 218.26(1) FS. Law Implemented 218.21, 218.215, 218.23, 218.245, 218.25, 218.26 FS. History--New 3-8-82, Formerly 12-10.08, Amended 11-1-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

RULE NO.: 12-13.009
 RULE TITLE: Closing Agreements

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-13.009, F.A.C., is to remove the requirement that two witnesses are required to sign closing agreements. Witnesses are not statutorily required for these documents, and removing the requirement simplifies the process of entering into closing agreements for taxpayers.

SUMMARY: The proposed amendment to Rule 12-13.009, F.A.C., removes the requirement that a closing agreement must be signed by two witnesses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

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

Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 212.07(9)(c), 213.06(1), 213.21(5), (9) FS.

LAW IMPLEMENTED: 212.07(9), 212.12(14), 213.05, 213.21, 213.24(3), 215.34(2) FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12-13.009 Closing Agreements.

(1) A written closing agreement is necessary to settle or compromise tax, interest, or penalty when a tax matter relates to an assessment where the amount compromised is in excess of \$30,000 or to a matter in an informal protest in Technical Assistance and Dispute Resolution. Settlement or compromise of tax matters in litigation must be pursuant to a written settlement agreement, court order, or similar written document reflecting the agreement reached between the taxpayer and the Department. In all other cases of compromise or settlement, the signature and name of the person exercising the Department's authority, the reason for the compromise or settlement, and the date the action was taken is required to be

placed on the taxpayer's written request or documented in the Department's records of the compromise or settlement.

(2) When a written closing agreement is necessary, the Department will prepare a Closing Agreement and forward it to the taxpayer. The taxpayer must sign the agreement and return it to the Department.

~~(a) The taxpayer's signature on the agreement shall be affixed in the presence of two witnesses who shall also sign the agreement.~~

~~(a)(b)~~ In the case of a corporate taxpayer, an officer of the corporation shall sign the agreement, and the corporate seal shall be affixed and attested by the secretary of the corporation.

~~(b)(c)~~ An authorized person qualified as a representative under Rule 12-6.005, F.A.C., who has duly filed a Power of Attorney and Declaration of Representative (form DR-835, incorporated by reference in Rule 12-6.0015, F.A.C.), which is signed and sworn to by the taxpayer being represented, is authorized to sign the agreement for the taxpayer ~~in the presence of two witnesses who shall also sign the agreement~~ which shall bind the taxpayer to the terms of the agreement.

(3) A closing agreement signed by the taxpayer and the Department settles the taxpayer's liability for tax, interest, or penalty for the tax period specified in the agreement absent any specific provision to the contrary contained in such closing agreement. The closing agreement is binding upon the taxpayer and the Department unless there is a showing of fraud or misrepresentation of material fact, or unless the Department is required to make an adjustment of the taxpayer's liability under Section 220.23 or 198.16, F.S. The taxpayer is not entitled to protest or institute judicial or administrative procedures to recover any tax, interest, or penalty paid pursuant to a closing agreement absent any specific provision to the contrary contained in such closing agreement.

(4) An offer for compromise or settlement which is not accepted, but is reflected in a proposed closing agreement shall not be deemed an admission by the Department or the taxpayer and will not prejudice either party's position in litigation or in an administrative proceeding.

Rulemaking Authority 212.07(9)(c), 213.06(1), 213.21(5), (9) FS. Law Implemented 212.07(9), 212.12(14), 213.05, 213.21, 213.24(3), 215.34(2) FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96, 10-2-01, 4-26-10, 10-29-13, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-16.003 Form of Consent Agreements

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-16.003, F.A.C. (Form of Consent Agreements), is to adopt, by reference, updates to the Consent to Extend the Time to Issue an Assessment or File a Claim for Refund, form DR-872. These updates bring the form and rule into compliance with current administrative procedures and allow the form to be accessed electronically through the Department of State’s website.

SUMMARY: The proposed amendments to Rule 12-16.003, F.A.C., update form DR-872 to bring the form and rule into compliance with current administrative procedures and allow the form to be accessed electronically through the Department of State’s website.

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 213.23(2) FS.

LAW IMPLEMENTED: 213.23 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tonya Fulford at (850)717-6799

THE FULL TEXT OF THE PROPOSED RULE IS:

12-16.003 Form of Consent Agreements.

(1) No change.

(2) The Department prescribes Form DR-872, Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund, (January 2016, hereby incorporated by reference, effective 01/16) (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____) ~~dated October 2003~~, as the form to be used for the purposes of this chapter ~~and incorporates this form by reference~~. A copy 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/forms; or, 2) calling the Department at (800) 352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at (800) 955-8770 (Voice) and (800) 955-8771 (TTY). The Department will provide this form to the taxpayer with the information specified in subsection (1) of this rule already entered on the form.

Rulemaking Authority 213.06(1), 213.23(2) FS. Law Implemented 213.23 FS. History—New 12-28-88, Amended 3-16-93, 12-2-03, 1-25-12, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

RULE NO.: 12-22.007
RULE TITLE: Registration Information Sharing and Exchange Program

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-22.007, F.A.C. (Registration Information Sharing and Exchange Program), is to adopt, by reference, changes to forms currently used to administer registration information sharing and exchange program.

SUMMARY: The proposed amendments to Rule 12-22.007, F.A.C., revise forms used in the registration information sharing and exchange program.

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

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

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

RULEMAKING AUTHORITY: 213.0535(4), 213.06(1) FS.

LAW IMPLEMENTED: 213.053(8)(j), 213.0535 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using

the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12-22.007 Registration Information Sharing and Exchange Program.

(1)(a) through (2)(b) No change

(c) The Department hereby incorporates the following agreements used in the administration of the RISE Program. Copies of these agreements may be obtained, without cost, by: 1) downloading the selected agreement from the Department’s Internet site at www.myflorida.com/dor; or, 2) calling the General Tax Administration RISE Coordinator at (850) 717-7129; or, 3) writing the General Tax Administration RISE Coordinator, General Tax Administration Resource Management, Mail Stop 1-4600, 5050 West Tennessee Street, Tallahassee, Florida 32399-0151. Persons with hearing or speech impairment may call the Florida Relay Service at 1(800) 955-8770 (Voice) and 1(800) 955-8771 (TTY).

Number Title Effective Date

1. GT-400210 Registration Information Sharing and Exchange ~~___01/12~~

(RISE) Program – Level-One Agreement (R. ~~___01/12~~) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00814>)

2. GT-400211 Registration Information Sharing and Exchange ~~___01/12~~

(RISE) Program – Level-Two Agreement (R. ~~___01/12~~) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00815>)

3. GT-400212 Registration Information Sharing and Exchange ~~___01/12~~

(RISE) Program Participant Certification for Access to Confidential State Tax Information (N. ~~___01/12~~) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00816>)

(d) through (4)(c) No change.

Rulemaking Authority 213.0535(4), 213.06(1) FS. Law Implemented 213.053(8)(j), 213.0535 FS. History—New 3-17-93, Amended 4-2-00, 4-16-07, 1-25-12, ~~___~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Sales and Use Tax

- RULE NOS.: RULE TITLES:
- 12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles
 - 12A-1.038 Consumer's Certificate of Exemption; Exemption Certificates
 - 12A-1.039 Sales for Resale
 - 12A-1.041 Photographers and Photo Finishers; Sales by Public Officials of Public Records
 - 12A-1.087 Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes
 - 12A-1.0911 Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors
 - 12A-1.097 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-1.007 (Aircraft, Boats, Mobile Homes, and Motor Vehicles) and 12A-1.041 (Photographers and Photo Finishers; Sales by Public Officials of Public Records), F.A.C., is to remove cross-references to obsolete forms which are being repealed in this package.

The purpose of the proposed amendments to Rules 12A-1.038 (Consumer's Certificate of Exemption; Exemption Certificates) and 12A-1.039 (Sales for Resale), F.A.C., is to remove duplicative provisions; to make technical changes regarding the use of electronic verification methods; and to clarify the information contained on, and documentation requirements for use of, Annual Resale Certificates.

The purpose of the proposed amendments to Rules 12A-1.085 (Exemption for Qualified Production Companies) and 12A-1.0911 (Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors), F.A.C. is to add information regarding the use of new electronic verification methods for exemption certificates and direct-pay permits.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, technical and administrative changes to forms currently used to administer sales and use tax, and to repeal forms which are now obsolete. Changes to forms bring the forms into compliance with current administrative procedures, update contact information for the Department, and allow the forms to be accessed electronically through the Department of State's website. Repealed forms are no longer used due to changes in law or practice and are being repealed due to their obsolescence.

SUMMARY: The proposed amendments incorporate revisions to and remove obsolete information from several sales and use tax rules and forms.

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

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

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

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.05(1), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.07, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.0598, 212.06, 212.0601, 212.0606, 212.07(1), (2), (5), (7), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 212.183, 212.186, 212.21(2), 213.053(10), 213.235, 213.255(1), (2), (3), 213.29, 213.37, 215.26(2), 218.186, 288.1258, 365.172(9), 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.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

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

(c) No title certificate may be issued on any aircraft, boat, mobile home, motor vehicle, or any other vehicle, or if no title certificate is required by law, no license or registration shall be issued by any state agency for any aircraft, boat, mobile home, motor vehicle, or other vehicle unless there is filed with the application for title certificate, license, or registration a receipt issued by an authorized aircraft, boat, mobile home, or motor vehicle dealer, or by the Department of Revenue or its designated agent, evidencing the payment of such tax where the same is payable. ~~The Department prescribes Form DR-41C, Dealer's Sales Tax Statement—Boats (incorporated by reference in Rule 12A-1.097, F.A.C.), to be completed by the selling dealer of a boat to evidence the payment of such tax.~~

(3) through (7) No change.

(8)(a) though (i) No change.

(j)1. The occasional or isolated sale of a motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is taxable based upon the total selling price of the motor vehicle. ~~The Department prescribes Form DR 41, Ownership Declaration and Motor Vehicle Sales and Use Tax Report (incorporated by reference in Rule 12A-1.097, F.A.C.), to be completed by the purchaser for reporting individual transactions.~~

2. through 4. No change.

(k) ~~When a motor vehicle is purchased to be used exclusively by the purchaser as a rental vehicle, or when a purchaser is a holder of a current Consumer's Certificate of Exemption (Form DR 14, incorporated by reference in Rule 12A-1.097, F.A.C.), or when an out of state lessor registers a~~

~~leased vehicle in this state, a Certificate of Motor Vehicle Sales Tax Exemption (Form DR 41A, incorporated by reference in Rule 12A-1.097, F.A.C.) shall be completed by the purchaser or lessor and presented to the County Tax Collector.~~

(l) through (n) Renumbered (k) through (m). No other change.

(9) through (25)(f) No change.

(g)1.~~a.~~ The transfer of title of a commercial motor vehicle is not taxable, when all of the following conditions are met:

~~(a)(4)~~ The transfer of title occurs between two commonly owned and controlled corporations;

~~(b)(H)~~ Such vehicle was titled and registered in this state at the time of the transfer of title; and

~~(c)(III)~~ Florida sales tax was paid at the prevailing tax rate on the acquisition of such vehicle by the transferor either on the full purchase price of such vehicle, or if the vehicle is licensed as a common carrier, to the extent provided in Section 212.08(9)(b), F.S., which is based on the ratio of intrastate mileage to interstate mileage. See Rule 12A-1.064, F.A.C., for proration of tax for vehicles used in interstate or foreign commerce.

~~b. To claim the exemption on the transfer of title to a commercial motor vehicle which qualifies for the exemption set forth in this subparagraph, a properly executed Form DR-40, Sales Tax Exemption Affidavit (incorporated by reference in Rule 12A-1.097, F.A.C.) must accompany the application for title transfer.~~

2. through 4. No change.

(27) through (28) No change.

Cross-Reference: Rules 12A-1.037, 12A-1.064, and 12A-1.066, F.A.C.

Rulemaking Authority 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (4), (10), (14), (15), (16), (19), (20), 212.03, 212.05(1), 212.06(1), (2), (4), (5), (7), (8), (10), (12), 212.0601, 212.07(2), (7), 212.08(5)(i), (7)(t), (aa), (ee), (10), (11), 212.12(2), (12), 213.255(1), (2), (3), 215.26(2) FS. History—New 10-7-68, Amended 1-7-70, 1-17-71, 6-16-72, 8-18-73, 12-11-74, 6-9-76, 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01, 8-1-02, 8-1-02, 4-17-03, 4-17-03 9-28-04.

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

(1) through (2) No change.

(3) SALES MADE TO EXEMPT ENTITIES OTHER THAN GOVERNMENTAL UNITS

(a) through (b) No change.

(c) It is the exempt entity's responsibility to determine whether the purchase or rental will be used for its authorized tax-exempt purpose or for the purposes of resale and to provide the proper documentation to the selling dealer. In lieu

of obtaining a copy of the entity's valid Consumer's Certificate of Exemption, the selling dealer may obtain a Transaction Authorization Number or a Vendor Authorization Number from the Department when making a tax-exempt sale to the entity. A selling dealer who accepts in good faith a copy of an entity's valid Consumer's Certificate of Exemption ~~or Annual Resale Certificate~~, or a Transaction Authorization Number or Vendor Authorization Number issued by the Department will not be held liable for any tax due on sales made to the entity during the effective dates indicated on the certificate or the effective dates of the authorization number. The selling dealer must maintain the required authorization numbers and certificates in its books and records for the time period provided in subsection (6) of this rule.

(d) through (g)1. No change.

2. The selling dealer may obtain a transaction authorization number prior to or at the point-of-sale by using the Department's on-line Certificate Verification System at <http://www.myflorida.com/dor/gta.html>, by using the Department's FL Tax mobile application, or by calling the Department's automated nationwide toll-free verification system at 1(877)357-3725. When using the Department's on-line Certificate Verification System, the dealer may key up to five Florida Consumer's Certificate of Exemption numbers into the system. When using the Department's FL Tax mobile application or the Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single Florida Consumer's Certificate of Exemption number. Each verification system will issue a ~~13-digit~~ transaction authorization number or alert the selling dealer that the purchaser does not have a valid Florida Consumer's Certificate of Exemption. Selling dealers using the automated telephone verification system who do not have a touch-tone telephone will be connected to a live operator during the hours of 8:00 a.m. to 5:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

3. through 4. No change.

(h)1. Vendor authorization number for regular customers – valid for calendar year issue. In lieu of obtaining a copy of the exempt entity's valid Florida Consumer's Certificate of Exemption or a Transaction Authorization Number from the Department for each sale to the entity, the selling dealer may obtain a Vendor Authorization Number for that entity. This option is available to selling dealers throughout the calendar year without limitation. ~~The selling dealer must maintain a copy of the exempt entity's Florida Consumer's Certificate of Exemption in its books and records.~~

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

(e) It is the responsibility of the authorized representative of any state, county, municipality, or political subdivision of the state to determine whether the purchase is for use by the governmental unit ~~or for the purpose of resale~~ and to provide the documentation required in this subsection to the selling dealer. A selling dealer who accepts in good faith the required documentation ~~or an Annual Resale Certificate~~ will not be held liable for any tax due on sales made to the governmental unit during the effective time period indicated on the certificate obtained from the purchaser. The selling dealer must maintain the required documentation in its books and records for the time period provided in subsection (6) of this rule.

(5) through (6) No change.

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

12A-1.039 Sales for Resale.

(1) No change.

(2) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) For each calendar year, the Department of Revenue will issue to each active registered dealer an Annual Resale Certificate (Form DR-13). A newly registered dealer will receive a Sales and Use Tax Certificate of Registration (Form DR-11) and an Annual Resale Certificate. The business name and location address, the registration effective date, and the certificate number will be indicated on the ~~Annual Resale Certificate of Registration~~.

(b) through (3)b.1. No change.

2. When using the Department's on-line Certificate Verification System, the dealer may key up to five (5) purchaser's sales tax certificate of registration numbers into the system. When using the Department's FL Tax mobile application or the Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser's sales tax certificate of registration number. Each system will either issue a ~~13-digit~~ transaction resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 5:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

3. through 5. No change.

(c) Vendor resale authorization number for regular customers who have previously submitted documentation to the selling dealer – valid for calendar year issued. In lieu of obtaining a Transaction Authorization Number or a copy of the purchaser’s valid Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department. This option is available to selling dealers throughout the calendar year without limitation. ~~The selling dealer must maintain a copy of the purchaser’s Annual Resale Certificate, whether valid or outdated.~~

1. through (4)(d) No change.

(5) Burden of establishing exempt nature of sales for resale.

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

3. A sale made to a person who was not an active registered dealer, other than a nonresident dealer, at the time of the transaction is a retail sale, and can never be considered a sale for resale. However, a selling dealer who accepts an Annual Resale Certificate that appears valid and current on its face at the time of sale will not be held liable for any tax due on this transaction, if it is later determined that the purchaser was not an active registered dealer at the time of the transaction.

(6) No change.

(7) Provisions applicable to persons who claim the resale exemption.

(a) Annual Resale Certificates may only be used by purchasers who hold a valid Sales and Use Tax Certificate of Registration (Form DR-11) issued by the Department, and whose registration status is currently active. For dealers who have been in business for less than the full calendar year, the effective date of the Annual Resale Certificate (Form DR-13) will be the postmark or hand delivered date of the Sales and Use Tax Application for Certificate of Registration. The effective date is the same as that found on the Sales and Use Tax Certificate of Registration found in the block labeled “Registration Effective Date” on the Sales and Use Tax Certificate of Registration (Form DR-11).

(7)(b) A dealer whose Sales and Use Tax Certificate of Registration has been revoked or whose registration status has been inactivated or canceled by the Department is prohibited from purchasing, leasing, or renting taxable property or services for the purposes of resale exempt from tax. However, a selling dealer who accepts an Annual Resale Certificate that appears valid and current on its face at the time of sale will not be held liable for tax on this transaction, if it is later determined that the purchaser was not an active registered dealer at the time of the transaction.

(c) through (8) No change.

Rulemaking Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b), (i), 212.07(1), 212.085, 212.13(5)(c), (d), 212.17(6), 212.18(2), (3), 212.186, 212.21(2), 213.053(10), ~~218.186~~ FS. History—Revised 10-7-68, Amended 1-7-70, 6-16-72, 9-26-77, 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94, 10-2-01, 6-12-03, 11-6-07, 9-1-09, 5-9-13,_____.

12A-1.041 Photographers and Photo Finishers; Sales by Public Officials of Public Records.

(1) through (2) No change.

(3) Chemicals used to clean tanks, equipment, and similar items are taxable. Chemicals which are not incorporated into and do not become a component of the finished product are taxable when purchased by photograph finishers for use in developing film and printing pictures for sale. Chemicals which are incorporated into and become a component of the finished product are exempt when purchased by photograph finishers for use in developing film and printing pictures for sale. ~~Form DR-3, Chemicals Used by Photograph Finishers—Taxable, and Form DR-3A, Chemicals Used by Photograph Finishers—Exempt, are incorporated by reference in Rule 12A-1.097, F.A.C.~~

(4) through (5) No change.

Cross Reference-Rule 12A-1.072, F.A.C.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 119.07, 212.02(14), (15), (16), 212.08(7)(v) FS. History—New 10-7-68, Amended 12-8-68, 1-17-71, 6-16-72, 12-11-74, 5-27-75, Formerly 12A-1.41, Amended 7-30-91, 8-10-92, 6-19-01, 8-1-02,_____.

12A-1.085 Exemption for Qualified Production Companies.

(1) through (3)(b) No change.

(c) In lieu of maintaining a copy of the exemption certificate as provided in paragraph (b), a selling dealer or lessor may document the exempt sale by requesting a transaction authorization number issued by the Department. A transaction authorization number is valid for a single transaction only.

1. A “transaction authorization number” must be obtained by the selling dealer prior to or at the point-of-sale:

a. By using the Department’s on-line Certificate Verification System at <http://www.myflorida.com/dor/gta.html>;

b. By using the Department’s FL Tax mobile application;
or

c. By calling the Department’s automated nationwide toll-free telephone verification system at 1(877)357-3725.

2. When using the Department’s on-line Certificate Verification System, the dealer may key up to five (5) purchaser’s certificate numbers into the system. When using the Department’s FL Tax mobile application or the

Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser's certificate number. Each system will either issue a transaction authorization number or alert the selling dealer that the purchaser does not have a valid certificate. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 5:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

3. A transaction authorization number is not valid to exempt subsequent purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction authorization number for each and every transaction.

4. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer.

(4) through (5) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), 288.1258(4)(c) FS. Law Implemented 212.031(1)(a)9., 212.06(1)(b), 212.08(5)(f), (12), 288.1258 FS. History—New 2-21-77, Amended 5-28-85, Formerly 12A-1.85, Amended 3-12-86, 12-13-88, 10-21-01, 4-26-10, ____.

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

(1) through (2)(e) No change.

(f) The validity of a Sales and Use Tax Direct Pay Permit may be verified by using the Department's on-line Certificate Verification System at <http://www.myflorida.com/dor/gta.html>, by using the Department's FL Tax mobile application, or by calling the Department's automated nationwide toll-free verification system at 1(877)357-3725. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(g) Transaction authorization number issued prior to or at the point-of-sale – valid for a single transaction only. In lieu of obtaining a copy of the purchaser's Sales and Use Tax Direct Pay Permit, the selling dealer may document the sale by requesting a transaction authorization number issued by the Department. A transaction authorization number is valid for single transaction only.

1. A "transaction authorization number" must be obtained by the selling dealer prior to or at the point-of-sale:

a. By using the Department's on-line Certificate Verification System at <http://www.myflorida.com/dor/gta.html>;

b. By using the Department's FL Tax mobile application;
or

c. By calling the Department's automated nationwide toll-free telephone verification system at 1(877)357-3725.

2. When using the Department's on-line Certificate Verification System, the dealer may key up to five (5) Sales and Use Tax Direct Pay Permit numbers into the system. When using the Department's FL Tax mobile application or the Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single Sales and Use Tax Direct Pay Permit number. Each system will either issue a transaction authorization number or alert the selling dealer that the purchaser does not have a valid permit. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 5:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

3. A transaction authorization number is not valid to exempt subsequent purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction authorization number for each and every transaction.

4. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer.

(h)1. Vendor authorization number for regular customers – valid for calendar year issue. In lieu of obtaining a copy of the purchaser's Sales and Use Tax Direct Pay Permit or a Transaction Authorization Number from the Department for each sale to the permit holder, the selling dealer may obtain a Vendor Authorization Number for that permit holder. This option is available to selling dealers throughout the calendar year without limitation.

2. The "vendor authorization number" is a customer-specific authorization number that will be valid for all sales made to a permit holder during the calendar year.

3. To obtain vendor authorization numbers, the selling dealer may use the Department's on-line Certificate Verification System at <http://www.myflorida.com/dor/gta.html> or send a written request to the Department. Dealers obtaining authorization numbers by submitting a written request to the Department may obtain the electronic format for sending the customer data from the Department's web site at www.myflorida.com/dor or call the Department at (850)488-3516 to obtain the electronic format.

a. The written request should be forwarded to the Florida Department of Revenue, Account Management MS #1-5730, Florida Department of Revenue, 5050 W Tennessee Street, Tallahassee, Florida 32399-0160, along with an electronic file containing a list of the dealer's regular customers for which the dealer has a Sales and Use Tax Direct Pay Permit number

on file. In response to the request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor authorization number for each permit holder.

b. The Department's on-line Certificate Verification System allows the user to verify up to five Sales and Use Tax Direct Pay Permit numbers and to obtain a transaction authorization number for single sales made to each permit holder at once. The system also allows the user to upload a batch file of up to 50,000 accounts for verification and, 24 hours later, retrieve the file containing the vendor authorization numbers for all sales made to the permit holders during the calendar year.

4. The selling dealer may make tax-exempt sales to the permit holder during the period in which the vendor authorization number for that permit holder is valid. Vendor authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor authorization numbers issued by the Department in November or December are valid for the remainder of that calendar year and the next calendar year.

(f) through (h) renumbered (i) through (k) No change.

(3) No change.

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

12A-1.097 Public Use Forms.

(1) No change.

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

(c) DR-1CON Application for Consolidated Sales and Use Tax ____01/15

Filing Number (R. ____01/15)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____04850)

~~(3)(a) DR-3 Chemicals used by Photograph Finishers Taxable 08/92 (R. 12/85)~~

~~(b) DR-3A Chemicals used by Photograph Finishers Exempt 08/92 (R. 12/85)~~

(3)(4) No change.

(4)(5)(a) No change.

(b) DR-7N Instructions for Consolidated Sales and Use Tax Return ____01/15

(R. ____01/15)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____04853)

(c) No change.

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

(b) DR-15N Instructions for DR-15 Sales and Use Tax Returns ____01/15

(R. ____01/15)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____04857)

(c) DR-15AIR Sales and Use Tax Return for Aircraft (R. ____08/13) ____01/14

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____03619)

(d) No change.

(e) DR-15EZN Instructions for DR-15EZ Sales and Use Tax Returns ____01/15

(R. ____01/15)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____04856)

(f) No change.

(g) DR-15MO Florida Tax on Purchases (R. ____08/13) ____01/14

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____03620)

(h) through (k) No change.

~~(6)(7)(a)~~ No change.

(b) DR-16P* Sales and Use Tax Direct Pay Permit (R. ____08/13) ____01/14

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____03624)

(c) No change.

~~(7)(8)~~ DR-17A Certificate of Cash Deposit/Cash Bond (R. ____03/10) ____06/10

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

~~(9) DR-19A Application for Distributor Level Collection/Payment 06/03 Agreement for Sales and Use Tax (N. 03/03)~~

~~(8)(10)(a)~~ DR-18 Application for Amusement Machine Certificate ____04/07

(R. ____03/06)

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

~~(8)(b)~~ DR-18N Instructions for Amusement Machine Certificates ____

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

~~(9)(11)~~ No change.

~~(10)(12)~~ DR-29 Application for Release or Refund of Security 06/10
(R. 03/10)

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

~~(13)(a)~~ DR 40 Sales Tax Exemption Affidavit (R-03/89) 08/92

~~(b)~~ DR 40A Exemption Affidavit for Boats Placed in a Registered 08/92
Repair Facility (N. 10/87)

~~(14)(a)~~ DR 41 Ownership Declaration and Motor Vehicle Sales and 08/92
Use Tax Report (R. 02/90)

~~(b)~~ DR 41A Certificate of Motor Vehicle Sales Tax Exemption 08/92
(R. 02/89)

~~(c)~~ DR 41C Dealer's Sales Tax Statement—Boats (R. 06/89) 08/92

~~(11)(15)~~ DR-46NT Nontaxable Medical Items and General Grocery 07/10
List (R. 07/10)

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

~~(12)(16)~~ No change.

~~(13)(17)~~ No change.

~~(14)(18)~~ DR-99A Affidavit for Private or Casual Sale of a Motor 08/92
Vehicle (R. 07/91)

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

~~(15)(19)~~ DR-123 Affidavit for Partial Exemption of Motor Vehicle Sold 08/92
for Licensing Outside of Florida (R. 06/91)

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

~~(16)(20)~~ No change.

~~(17)(21)~~ DR-1214 Application for Temporary Tax Exemption Permit 04/08
(R. 07/06)

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

~~(18)(22)~~ DR-300400 Boat, Motor Vehicle, or Aircraft Dealer 09/09
Application for Special Estimation of Taxes (R. 02/08)

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

~~(19)(23)~~ DR-600013 Request for Verification that Customers are Authorized 09/09
to Purchase for Resale (R. 06/08)

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

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 288.1258, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.087 Exemption for Power Farm Equipment;
Suggested Exemption Certificate for Items
Used for Agricultural Purposes

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes), is to incorporate the new and expanded farm equipment exemptions provided in Chapter 2015-221, L.O.F.

SUMMARY: The proposed changes to Rule 12A-1.087, F.A.C., incorporate the new and expanded statutory farm equipment exemptions provided in Chapter 2015-221, L.O.F.

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

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

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

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

LAW IMPLEMENTED: 212.02(14)(c), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085, 823.14(3) FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.087 Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1)(a) The sale, rental, lease, use, consumption, repair, including the sale of replacement parts and accessories, or storage for use of power farm equipment or irrigation equipment is exempt. To qualify for this exemption, the power farm equipment or irrigation equipment must be used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries included in Section 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. Power farm equipment that is not purchased, leased, or rented for exclusive use in the agricultural production of agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for exemption. This exemption is not forfeited by moving qualifying power farm equipment between farms or forests.

(b) No change.

(2) For purposes of this rule, the following definitions will apply:

(a) No change.

(b) Agricultural production, as defined in Section 212.02(32), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, including storage of raw products on a farm, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(c) through (e) No change.

(f) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products beyond any processing necessary for storage of raw products on the farm.

(g) No change.

(3)(~~a~~) The following is a nonexhaustive list of tax-exempt power farm equipment, as defined in Section 212.02(30), F.S.

1. through 14. Redesignated (a) through (n). No change.

(o) Drying equipment.

15. through 23. Redesignated (p) through (x). No change.

(y) Gassing equipment.

24. through 27. Redesignated (z) through (cc). No change.

~~(dd)(28) Traveling “gun-type” and center pivot irrigation systems, excluding replacement hoses and pipes.~~

29 through 36. Redesignated (ee) through (ll). No change.

(mm) Refrigeration equipment.

37. through 42. Redesignated (nn) through (ss). No change.

(tt) Sorting equipment.

43. through 46. Redesignated (uu) through (xx). No change.

(yy) Washing equipment.

47. Redesignated (zz). No change.

~~(b) The purchase, lease, or rental of power farm equipment which is invoiced as a single working unit that is used exclusively on a farm or in a forest, as provided in paragraph (1)(a), qualifies for the exemption. When the component parts are invoiced separately, only those components that qualify for the exemption, as provided in paragraph (1)(a), may be purchased, leased, or rented tax-exempt.~~

~~1. Example: An irrigation supply system is purchased for use on a farm to provide water to an agricultural crop. The irrigation supply system, consisting of pumps, pipes, tubing, hoses, generator, motors, and other items, is purchased and invoiced as a single item at a single price. The purchase of the irrigation supply system is exempt.~~

~~2. Example: A farmer owns an irrigation supply system and wants to replace or update various components of the system. The farmer purchases an additional pump, a generator, and various hoses, pipe, and connectors in order to replace or update the system. The pump and generator qualify as power farm equipment, and these items may be purchased tax-exempt. The purchase of the various hoses, pipe, and connectors does not qualify as a purchase of power farm equipment and is subject to tax at the time of purchase.~~

(4)(a) The portion of sales price below \$20,000 for a trailer weighing 12,000 pounds or less and purchased by a farmer for exclusive use in agricultural production or to transport farm products is exempt from tax. This exemption is allowed regardless of whether the trailer is required to be or is licensed as a motor vehicle under Chapter 320, F.S. The portion of the sales price at or above \$20,000 for such a trailer remains subject to tax. This exemption does not apply to leases or rentals of trailers. The exemption for trailers under this paragraph will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the exemption under Section 212.08(3), F.S. The format of a suggested certificate is contained in subsection (10).

(b) The partial exemption granted for trailers does not apply to non-farmers such as haulers, contractors, loggers, and providers of crop services.

(c) Repairs, replacement parts, and accessories used for trailers licensed under Chapter 320, F.S., are taxable.

(4) through (6) Renumbered (5) through (7) No change.

~~(7) The exemption for power farm equipment does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.~~

(8) through (10)(e) No change.

(f) The following is a suggested format of an exemption certificate to be issued by any person purchasing or leasing power farm equipment qualifying for exemption under Section 212.08(3), F.S., or items that qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser or lessee may be eliminated from the certificate. The Department does not furnish the printed exemption certificate to be executed by purchasers or lessees when purchasing tax-exempt power farm equipment or items for agricultural use or for agricultural purposes.

SUGGESTED PURCHASER’S EXEMPTION
CERTIFICATE

ITEMS FOR AGRICULTURAL USE OR FOR
AGRICULTURAL PURPOSES AND POWER FARM
EQUIPMENT

This is to certify that the items identified below, purchased on or after _____ (date) from _____ (Selling Dealer’s Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

() Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.

() Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

() Generators purchased, rented, or leased for exclusive use on a poultry farm. See the exemption category provided for power farm equipment, as defined in Section 212.02(30), F.S., which includes generators, motors, and similar types of equipment.

() Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in Section 212.08(5)(a), F.S.

() Nets, and parts used in the repair of nets, purchased by commercial fisheries.

() Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

() Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

() Seedlings, cuttings, and plants used to produce food for human consumption.

() Stakes used to support plants during agricultural production.

() Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for baling hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

() Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

() Liquefied petroleum gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

() Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

() Power farm equipment or irrigation equipment for exclusive use in the agricultural production of crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S., or

() Power farm equipment or irrigation equipment for exclusive use in fire prevention and suppression work for such crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S., or

() Repairs to, or parts and accessories for, qualifying power farm equipment or irrigation equipment for exclusive use in the agricultural production of crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S., or

() Repairs to, or parts and accessories for, qualifying power farm equipment or irrigation equipment for exclusive use in fire prevention and suppression work for such crops or products, as produced by those agricultural industries included in s. 570.02(1), F.S.

~~() Power farm equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in Section 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products.~~

() Other (include description and statutory citation):

I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1(800) 352-3671.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name

Purchaser's Address

Name and Title of Purchaser's Authorized Representative

Sales and Use Tax Certificate No. (if applicable)

By

(Signature of Purchaser or Authorized Representative)
Title

(Title – only if purchased by an authorized representative of a business entity)

Date _____

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085, 823.14(3) FS. History—New 10-7-68, Amended 1-7-70, 6-16-72, 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, 9-15-08, 1-17-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12A-19.100: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used to report the Florida communications services tax. Changes to forms DR-700016 and DR-700019 include reduced tax rates pursuant to a statutory change made by Chapter 2015-221, L.O.F. Changes to forms DR-700030 and DR-700032 include administrative updates to allow the form to be accessed electronically through the Department of State’s website. Adoption of DR-700033 is to provide a mechanism by which taxpayers may elect to report communications services using the alternative-period basis method created by Chapter 2015-221, L.O.F.

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C., incorporate legislative and technical updates to tax returns and other forms used to administer the Florida communications services tax.

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

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

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

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

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2),

202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.100 Public Use Forms.

(1) No change.

(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
<u>01/16</u>	<u>January 2016 -</u>	<u>January 1, 2016 -</u>
<u>07/15</u>	<u>July 2015 – December 2015</u>	<u>July 1, 2015 – December 31, 2015</u>
<u>01/15</u>	<u>January 2015- June 2015</u>	<u>January 1, 2015 - June 30, 2015</u>
01/14	January 2014 – December 2014	January 1, 2014 – December 2014
01/13	January 2013 – December 2013	January 1, 2013 – December 31, 2013
07/12	July 2012 – December 2012	July 1, 2012 – December 31, 2012
01/12	January 2012 – June 2012	January 1, 2012 – June 30, 2012
07/11	July 2011 – December 2011	July 1, 2011 – December 31, 2011
01/11	January 2011 – June 2011	January 1, 2011 – June 30, 2011
08/10	August 2010 –	August 1, 2010 –

	December 2010	December 31, 2010
01/10	January 2010 – July 2010	January 1, 2010 – July 31, 2010
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 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	March 1, 2003 – May

	2003	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

(3) No change.

(4)(a) DR-700016 Florida Communications Services

Tax Return _____

(R. 01/16)

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

(b) DR-700016 Florida Communications Services Tax Return 07/15

(R. 07/15)

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

(a) through (ll) renumbered to (c) through (oo) No change.

(5) DR-700019 Communications Services Use Tax Return (R. ~~07/12~~ ~~01/13~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02120>)

(6) through (11) No change.

(12)(a) DR-700030 Application for Self-Accrual Authority/Direct Pay ~~04/07~~

Permit – Communications Services Tax (R. ~~06/06~~)

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

(b) DR-700032 Renewal Notice and Application for Self-Accrual ~~04/07~~

Authority/Direct Pay Permit – Communications

Services Tax (R.N. ~~06/06~~)

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

(13) DR-700033 Alternative-Period Basis Reporting Form (N. 01/16) 01/16

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

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.22(6)(a), 202.26(3)(a), (c), (d), (e), (j), 202.27(1), (7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10 (3), 6-28-10 (5), 2-7-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-20-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kimberly Bevis
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.003
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to three forms used to administer documentary stamp tax.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C., incorporate revisions to three documentary stamp tax forms.

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

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

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

RULEMAKING AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 201.01, 201.02(1), (4), 201.031(1), 201.07, 201.08(1)(a), 201.133 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

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

Form Number	Title	Effective Date
(2) DR-225	Documentary Stamp Tax Return for Registered	___01/10
	Taxpayers' Unrecorded Documents (R. ___01/10)	(http://www.flrules.org/Gateway/reference.asp?No=Ref-___)
(3) DR-228	Documentary Stamp Tax Return for Nonregistered	___04/12
	Taxpayers' Unrecorded Documents (R. ___08/11)	(http://www.flrules.org/Gateway/reference.asp?No=Ref-___01131)
(4) DR-229	Documentary Stamp Tax - <u>Subs</u> Section	201.02(6), ___04/09
	Florida Statutes, Exemption (R. N. ___10/08)	(http://www.flrules.org/Gateway/reference.asp?No=Ref-___)

Rulemaking Authority 201.11, 213.06(1) FS. Law Implemented 119.071(5), 201.01, 201.02(1), (4), 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History—New 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08, 4-14-09, 1-11-10, 6-28-10, 4-25-12, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kimberly Bevis
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: RULE TITLES:

12B-5.150 Public Use Forms

12B-5.300 Aviation Fuel Licensees

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), are to adopt, by reference, changes to three forms used by the Department in the administration of taxes imposed on fuels and pollutants. These changes bring the forms into compliance with current administrative procedures and allow the forms to be accessed electronically through the Department of State’s website.

The proposed changes to Rule 12B-5.300, F.A.C. (Aviation Fuel Licensees), are needed to incorporate a new aviation fuel exemption created by Chapter 2015-221, Laws of Florida, for certain schools providing flight training.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C., incorporate changes to three forms used in the administration of fuels and pollutants tax. The proposed changes to Rule 12B-5.300, F.A.C., incorporate a new aviation fuel exemption created by Chapter 2015-221, Laws of Florida, for certain schools providing flight training.

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

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

Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.416, 206.43, 206.44, 206.48, 206.485, 206.86, 206.874, 206.8745, 206.90, 206.91, 206.92, 206.9825, 206.9835, 206.9865, 206.9875, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.37, 213.755 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) through (4) No change.

Form Number Title

Effective Date

(5) DR-156T Florida Temporary Fuel Tax Application (R. ~~10/09~~) 07/10

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____)
 (6) through (10) No change
 (11) DR-176 Application for Air Carrier Fuel Tax License
 ____07/10
 (R. ____10/09)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____)
 (12) No change.
 (13) DR-185 Application for Fuel Tax Refund Permit (R.
 ____05/10) ____07/10

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____)
 (14) through (37) No change.
 Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8) FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.416, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10, 1-12-11, 7-20-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 7-28-15, ____.

12B-5.300 Aviation Fuel Licensees.

(1) through (3)(d) No change.

(e) Sales of Aviation Fuel to Certain Qualified Schools.

The sale of aviation fuel to qualified colleges or universities exclusively for use in flight training is exempt from the collection of tax imposed under this section.

1. For the purposes of this exemption, a qualified college or university is one that:

- a. Is based in the state of Florida;
- b. Is accredited or has applied for accreditation by the Aviation Accreditation Board International; and
- c. Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.

In addition, a college must be a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code to qualify for this exemption.

2. The following is a suggested certificate to be provided by the qualified college or university to a terminal supplier or wholesaler to purchase aviation fuel exempt from tax:

Exemption Certificate for Purchase of Aviation Fuel by Qualified Colleges and Universities

I, the undersigned individual, on behalf of _____ (name of college or university), certify that such college or university qualifies for

an exemption from aviation fuel tax pursuant to s. 206.9825(1)(e), Florida Statutes, and that such college or university:

- Is based in the state of Florida,
- Is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code, if the school is a college,
- Is accredited by or has applied for accreditation by the Aviation Accreditation Board International; and
- Offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.

I further certify that the fuel purchased using this Certificate will be used exclusively for use in flight training by the college or university I represent. I understand that if the fuel is used for any purpose other than flight training, then the college or university must pay tax on the purchase price of the fuel directly to the Department of Revenue.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and the facts stated in it are true.

 SIGNATURE OF PURCHASER, AUTHORIZED AGENT,
 OR REPRESENTATIVE

 TITLE OR DESIGNATION

 DATE

3. Terminal suppliers and wholesalers who sell aviation fuel to qualified colleges or universities may obtain a credit for tax paid on the number of gallons delivered to the qualified colleges or universities. To obtain a credit for tax paid, terminal suppliers and wholesalers must complete Schedule 12, Ultimate Vendor Credit. Terminal suppliers must submit the completed Schedule 12 with Form DR-309631. Wholesalers must submit the completed Schedule 12 with Form DR-309632.

(4) through (7)(b) No change.

(c)1. Refund to Certain Qualified Schools for Aviation Fuel Used Exclusively in Flight Training. Qualified colleges or universities may apply for a refund of tax paid on aviation fuel purchased from fixed based operators or retailers for exclusive use in flight training by filing 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.

2. To qualify for a refund, the college or university must submit the following with Form DR-26:

- a. Documentation establishing that the college or university is based in Florida.

b. If applicable, documentation establishing that the college is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code.

c. Documentation establishing that the college or university is accredited or has applied for accreditation by the Aviation Accreditation Board International.

d. Documentation showing that the college or university offers a graduate program in aeronautical or aerospace engineering or offers flight training through a school of aeronautics or college of aviation.

e. Invoices or receipts showing the amount of tax paid.

f. A list of equipment, including aircraft identification numbers, in which the aviation fuel was used.

g. Fuel reports detailing the amount of aviation fuel used in the equipment.

(8) through (9) No change.

Rulemaking 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, 213.37, FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 1-20-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: RULE TITLES:

12B-6.005 Payment of Tax; Reports; Public Use Forms
12B-6.0051 Public Service Tax Reporting Form

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to adopt, by reference, changes to the Gross Receipts Tax Return, form DR-133.

The purpose of the proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Form), is to adopt, by reference, changes to the Municipal Public Service Tax Database Report, form DR-700001, used in the administration of gross receipts tax.

SUMMARY: The proposed amendments to Rules 12B-6.005 and 12B-6.0051, F.A.C., incorporate revisions to two gross receipts tax forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely

increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 166.233, 213.06(1) FS.

LAW IMPLEMENTED: 166.233, 203.01, 203.012, 213.255(1), (2), (3), 213.37, 213.755, 215.26 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1)(a) No change.

(b) Form DR-133, Gross Receipts Tax Return (January 2016, hereby incorporated by reference, effective 01/16) (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)

(R. 07/07, effective 09/08), hereby incorporated by reference, is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department’s Internet site at www.myflorida.com/dor; or, 2) calling the Department at 1(800)352-3671, Monday through Friday, 8:00 a.m. to 5:00 p.m. (Eastern Time); or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(c) through (2) No change

Rulemaking Authority 213.06(1) FS. Law Implemented 203.01, 203.012, 213.255(1), (2), (3), 213.37, 213.755, 215.26 FS. History–New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, 9-28-04, 9-18-08, 2-17-15,_____.

12B-6.0051 Public Service Tax Reporting Form.

(1)(a) through (b) No change

Form Number Title

Effective Date

(2) DR-700001 Municipal Public Service Tax

Database 05/03

Report (R. 40/04)

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

Rulemaking Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History–New 4-5-98, Amended 5-4-03, 9-18-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly Bevis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:

12B-7.031 Public Use Forms

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 to administer the Miami-Dade County Lake Belt mitigation fee and water treatment plant upgrade fee.

SUMMARY: The proposed amendments to Rule 12B-7.031, F.A.C., revise forms used to administer the Miami-Dade

County Lake Belt mitigation fee and water treatment plant upgrade fee.

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 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.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.031 Public Use Forms.

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

Form Number Title

Effective Date

(2) DR-146 Miami-Dade County Lake Belt

Mitigation ~~11/07~~

and Water Treatment Upgrade Fees Tax

Return (R. ~~11/07~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->
[_____](#))

Rulemaking 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, 5-1-06, 11-6-07, 1-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:

12B-8.003 Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to five forms used in the administration of the insurance premium taxes, fees, and surcharges.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C., incorporate changes to five forms used in the administration of the insurance premium taxes, fees, and surcharges.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.191, 252.372, 288.99 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) through (3) No change.

Form Number Title
 Effective Date
 (4)(a) DR-907 Florida Insurance Premium
 Installment Payment ___ 01/15
 (R. ___ 01/15)
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04872>)
 (b) DR-907N Instructions for Filing Insurance
 Premium Installment ___ 01/15
 Payment (Form DR-907) (R. ___ 01/15)
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04872>)
 (5)(a) DR-908 Insurance Premium Taxes and Fees
 Return for Calendar ___ 01/15
 Year ~~2014~~ 2013 (R. ___ 01/15)
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04873>)
 (b) DR-908N Instructions for Preparing Form DR-908
 Florida ___ 01/15
 Insurance Premium Taxes and Fees Return (R. ___ 01/15)
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04874>)
 (6) DR-350900 ~~2014~~ 2013 Insurance Premium Tax
 Information for ___ 01/15
 Schedules XII and XIII, DR-908 (R. ___ 01/15)
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04875>)
 Rulemaking Authority 213.06(1) FS. Law Implemented 92.525,
 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151,
 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13,
 213.05, 213.053, 213.235, 213.37, 220.183, 220.191, 252.372, 288.99
 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621,
 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092,
 624.50921, 624.510, 624.5105, 624.511, 624.515, 624.516, 624.518,
 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11),
 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943,
 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2),
 634.415(2), 636.066, 642.0301, 642.032 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, 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 1-12-11, 1-25-12, 1-
 17-13, 1-20-14, 1-20-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kimberly Bevis
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.: RULE TITLES:
 12C-1.0194 Corporate Income Tax Credit for
 Spaceflight Projects
 12C-1.0196 Research and Development Tax Credit
 12C-1.051 Forms

PURPOSE AND EFFECT: Section 15 of Chapter 2011-76, Laws of Florida (L.O.F.), created a new tax credit for spaceflight projects to become effective October 1, 2015. The purpose of new Rule 12C-1.0194, F.A.C. (Corporate Income Tax Credit for Spaceflight Projects), is to provide guidance to taxpayers on how they can apply for, transfer, and use the credit once it becomes effective.

Section 21 of Chapter 2015-221, Laws of Florida, amended Section 220.196, F.S., relating to the research and development tax credit. The statutory amendments changed the types of businesses that may qualify for the credit; increased the total amount of credits that may be awarded in 2016; changed the period during which applications for the credit may be submitted; and changed the method by which credits may be awarded to qualifying businesses. The purpose of the proposed amendment to Rule 12C-1.0196, F.A.C. (Research and Development Tax Credit), is to bring the rule into compliance with the statutory changes.

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

SUMMARY: New Rule 12C-1.0194, F.A.C., addresses the administration of the spaceflight projects tax credit found in s. 220.194, F.S.; the amendments to Rule 12C-1.0196, F.A.C., bring the rule into compliance with the amendments made to s. 220.196, F.S., by the 2015 Legislature; and the proposed amendments to Rule 12C-1.051, F.A.C., adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 213.06(1), 220.192(7), 220.193(4), 220.194(8), 220.196(4), 220.51, 1002.395(13) FS.
LAW IMPLEMENTED: 119.071(5), 212.08(5)(p), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.191, 220.192, 220.193, 220.194, 220.195, 220.196, 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, 624.5105, 624.51055, 1002.395 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.0194 Corporate Income Tax Credits for Spaceflight Projects.

(1) Taxpayers seeking to obtain a corporate income tax credit for spaceflight projects must apply to the Department of Economic Opportunity, as provided in Section 220.194, F.S.

(2)(a) For tax years beginning on or after October 1, 2015, a spaceflight business that has been approved and certified by the Department of Economic Opportunity may take a nontransferable corporate income tax credit of up to fifty percent (50%) of its Florida corporate income/franchise tax liability after all other credits are applied in the order provided in Section 220.02(8), F.S.

(b) A letter of certification issued by the Department of Economic Opportunity upon approval of an Application for Certification must be attached to the certified spaceflight business's Florida corporate income/franchise tax return on which the nontransferable credit for spaceflight projects is taken.

(c) A certified spaceflight business may not file a consolidated Florida corporate income/franchise tax return when claiming the nontransferable corporate income tax credit.

(3)(a) For tax years beginning on or after October 1, 2015, a spaceflight business may be approved and certified by the Department of Economic Opportunity to transfer, in whole or in part, its Florida net operating loss that would otherwise be available to be taken on a Florida corporate income/franchise tax return, provided that the activity giving rise to the net operating loss occurred after July 1, 2011.

(b)1. To perfect the transfer, a certified spaceflight business (transferor) must provide the Department with a written Transfer Statement approved by the Department of Economic Opportunity to revenueaccounting@dor.state.fl.us. For assistance, call the Department at (850) 617-8586 during regular business hours, Monday through Friday. Persons with hearing or speech impairments may call the Florida Relay Service at (800) 955-8770 (Voice) and (800) 955-8771 (TTY).

2. The Transfer Statement must include: the date the transfer is effective; the transferee's name, address, federal employer identification number (FEIN) and/or business partner number; the tax year that the transferee intends to use the tax credit; and the amount of tax credit transferred to the transferee.

3. Upon receipt of a Transfer Statement approved by the Department of Economic Opportunity, the Department will provide the transferee and the Department of Economic Opportunity with a certificate reflecting the tax credit amount transferred. The transferee must attach the certificate to its Florida corporate income/franchise tax return on which the credit is taken. Any unused credit is forfeited and not available for use in a subsequent tax year.

(c) Net operating losses that are transferred may not be subtracted from the income of the transferor.

(d) Payments received for net operating losses that are transferred are to be treated as nonbusiness income allocable

to Florida on the transferor's Florida corporate income/franchise tax return.

(4) The amount taken as a corporate income tax credit for spaceflight projects must be added to federal taxable income prior to computing the Florida corporate income/franchise tax due.

(5) An amended Florida Corporate Income/Franchise Tax Return (Form F-1120X, incorporated by reference in Rule 12C-1.051, F.A.C.) is required if the corporate income tax credit for spaceflight project is disallowed or modified by the Department or if the Department of Economic Opportunity issues a Notice of Revocation or Modification to revoke or modify a letter of certification previously issued. The taxpayer must pay additional tax and interest as may be due, computed as the difference between the tax that would have been due had the credit been computed correctly and the tax actually paid. In addition the spaceflight business is liable for a penalty equal to 100 percent of the additional tax due.

(6) Every taxpayer claiming a corporate income tax credit for spaceflight projects must retain documentation that substantiates and supports the credit until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3), F.S., or under Section 220.23, F.S. Documentation to substantiate and support the credit includes copies of: the completed tax credit application submitted to the Department of Economic Opportunity; the letter of certification issued by the Department of Economic Opportunity; and the Transfer Certificate reflecting the credit amount transferred issued by the Department.

Rulemaking Authority 213.06(1), 220.194(8), 220.51 FS. Law Implemented 220.194 FS. History—New

12C-1.0196 Research and Development Tax Credit.

(1)(a)1. A research and development tax credit against Florida corporate income/franchise tax is provided in Section 220.196, F.S., to a business enterprise target industry business that claims a valid research credit against federal corporate income tax for qualified research expenses as provided in section 41 of the Internal Revenue Code (26 U.S.C. s. 41). The target business enterprise must be a corporation, as defined in Section 220.03, F.S., and a qualified target industry business, as defined in Section 288.106, F.S. However, only qualified target industry businesses in the manufacturing, life sciences, information technology, aviation and aerospace, homeland security and defense, cloud information technology, marine sciences, materials science, and nanotechnology industries may qualify for a research and development tax credit.

2. If the related federal corporate income tax credit for increasing research activities is not extended for a tax year, a qualified target industry business will not be permitted to take the Florida research and development tax credit.

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

(2)(a) To receive an annual allocation of the annual funds available for granting tax credits to qualified target industry businesses, an Allocation for Research and Development Tax Credit for Florida Corporate Income/Franchise Tax (Form F-1196, incorporated by reference in Rule 12C-1.051, F.A.C.) must be filed with the Department between 12:00 a.m., E.T., on or after March 20 of each year and 11:59 p.m., ET, March 26 on or before December 31 of that same year. The application is available on the Department's website at www.myflorida.com/dor/. Taxpayers required to file returns and remit payments by electronic means pursuant to Section 213.755, F.S. and Rule Chapter 12-24, F.A.C., must apply online using the Department's website. When the completed application is submitted online, a confirmation number will be provided to confirm receipt of the application.

(b) A business enterprise must attach a letter from the Department of Economic Opportunity, certifying that the business is an eligible target industry business, to its Allocation for Research and Development Tax Credit for Florida Corporate Income/Franchise Tax application. The Department of Economic Opportunity will provide a letter upon receiving a request.

(c)(b) Businesses needing assistance with the Allocation for Research and Development Tax Credit for Florida Corporate Income/Franchise Tax may call the Department at 1(800) 352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m. (Eastern Time). Persons with hearing or speech impairments may call the Florida Relay Service at 1(800) 955-8770 (Voice) and 1(800) 955-8771 (TTY).

(d) If the total credits requested (computed as the sum of the credit allocations requested from Form F-1196 for all qualified applicants) exceed the annual credit cap, each qualified applicant will be allocated credit on a prorated basis.

(e)(e) Within 10 working days of March 27 Applications filed with the Department on or after March 20 of each year will be accepted by the Department until December 31 of that year, or until the annual appropriation has been completely allocated, whichever occurs first. Credits will be allocated by the Department in the order in which completed applications are received. Beginning April 1 of each year, the Department will notify eligible taxpayers by letter of the amount of credit that is allocated to them and the tax year in which the qualified target industry business may claim the credit on its Florida corporate income/franchise tax return.

(3) No change.

(4) A federal research credit must be taken on the federal return filed by the qualified target industry business for the same tax year in which the Florida research and development credit is taken. The amount taken as a Florida research and development credit must be added to taxable income prior to

computing the Florida corporate income/franchise tax due. The Florida research and development credit is limited to fifty percent (50%) of the Florida corporate income/franchise tax liability after all other credits are applied in the order provided in Section 220.02(8), F.S. A copy of federal Form 6765 (Credit for Increasing Research Activities) and a copy of federal Form 3800 (General Business Credit) must be attached to the Florida corporate income/franchise tax return on which the Florida research and development credit is taken. In the case of a corporate partner of a partnership that has earned a federal credit for increasing research activities, a copy of federal Form 1065, Schedule K-1 (Partner’s Share of Income, Deductions, Credits, etc.), and a copy of federal Form 3800 must be attached to the Florida corporate income/franchise tax return on which the Florida research and development credit is taken.

(5) through (6)(a) No change.

(6)(b)1. ~~Taxpayers Target industry businesses~~ that have not been in existence for at least four tax years prior to the tax year in which the Florida research and development credit is claimed must reduce the amount of the credit by twenty-five percent (25%) for each year of the past four tax years that the corporation did not exist.

(6)(b)2. No change.

(7) Every taxpayer claiming a Florida research and development credit must retain documentation that substantiates and supports the credit, a copy of the letter received from the Department of Economic Opportunity certifying that the taxpayer meets the requirements of Section 220.196(2)(a)3., F.S. (i.e., is an eligible qualified target industry business), a copy of the letter received from the Department granting the credit, and a schedule reconciling all credit carryovers until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3) or under 220.23, F.S. Documentation to substantiate and support the credit includes records or other evidence of the amount of qualified Florida research expenses incurred for in-house research or for contract research expenses, that those expenses qualified under 26 U.S.C. s. 41, and that the federal credit was claimed.

Rulemaking Authority 213.06(1), 220.196(4), 220.51 FS. Law Implemented 220.196 FS. History—New 3-12-14, Amended _____.

12C-1.051 Forms.

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

Form Number	Title	Effective Date
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(2) F-851	Corporate Income/Franchise Tax	
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Affiliations Schedule 01/13

(R. 01/13)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02100>)

(3)(a) F-1065 Florida Partnership Information Return (R. 01/15) 01/15

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04876>)

(b) F-1065N Instructions for Preparing Form F-1065 Florida 01/15

Partnership Information Return (R. 01/15)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04877>)

(4) F-1120A Florida Corporate Short Form Income Tax Return 01/15

(R. 01/15)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04879>)

(5)(a) F-1120 Florida Corporate Income/Franchise Tax Return 01/15

(R. 01/15)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04878>)

(b) F-1120N F-1120 Instructions – Corporate Income/Franchise Tax 01/15

Return for taxable years beginning on or after January 1, 2014

(R. 01/15)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04880>)

(6) No Change.

(7)(a) F-1120X Amended Florida Corporate Income/Franchise Tax 01/13

Return (R. 01/13)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02107>)

(b) F-1120XN Instructions for Preparing Form F-1120X Amended 01/13

Florida Corporate Income/Franchise Tax Return (R. 01/13)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02108>)

(8) through (11) No change.

(12) F-1196 Allocation for Research and Development Tax Credit for 01/15

Florida Corporate Income/Franchise Tax (R. 01/15)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-04883>)

(13) through (14) No change.

Rulemaking Authority 213.06(1), 220.192(7), 220.193(4), 220.196(4), 220.51, 1002.395(13) FS. Law Implemented 119.071(5), 212.08(5)(p), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.191, 220.192,

220.193, 220.194, 220.195, 220.196, 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, 624.5105, 624.51055, 1002.395 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, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12)(a), (b), 4-26-10(13)(a), (b), 6-28-10, 1-12-11, 6-6-11, 1-25-12, 1-17-13, 3-12-14, 1-19-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kimberly Bevis
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115
 RULE TITLE: Public Use Forms

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 forms currently used to administer intangible personal property tax due on governmental leaseholds.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C., revise governmental leasehold intangible personal property tax forms.

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

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

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

RULEMAKING AUTHORITY: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.052 (2005), 199.103(7) (2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS.

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

- 12C-2.0115 Public Use Forms.
- (1)(a) through (b) No change
- Form Number Title
- Effective Date
- (2) DR-601G Governmental Leasehold Intangible Personal Property 01/14 Tax Return (R. 01/14) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03609>)
- (3) DR-602G Governmental Leasehold Intangible Personal Property 01/10 Tax Application for Extension of Time to File Return (R. 01/10) (http://www.flrules.org/Gateway/reference.asp?No=Ref-___)

Rulemaking Authority 199.202, 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.032 (2005), 199.042 (2005), 199.052 (2005), 199.103(7) (2005), 199.135 (2005), 199.202, 199.232, 199.282 (2005), 199.292, 213.24(3), 215.26 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10, 2-7-11, 1-29-12, 1-17-13, 5-9-13, 1-20-14., —.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 22, 2015

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-8.010 Reimbursement Contract

PURPOSE AND EFFECT: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, F.S.

SUMMARY: The rule is being amended to adopt the 2016-2017 Reimbursement Contract, including Addenda. In addition, obsolete material is being removed.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A Reimbursement Contract meeting the requirements set forth in Section 215.555, F.S., must be adopted annually pursuant to Section 215.555(4) and (17)(b), F.S. Upon review of the proposed changes to the upcoming Contract Year’s Reimbursement Contract, which is incorporated into Rule 19-8.010, F.A.C., Reimbursement Contract, the State Board of Administration of Florida has determined that the preparation of a Statement of Estimated Regulatory Costs is not necessary and that this rule does not meet the statutory threshold for ratification by the Legislature. The changes to this rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness, or innovation or

increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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

RULEMAKING AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (17) FS.

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

DATE AND TIME: November 23, 2015, 9:00 a.m. – 11:00 a.m., E.T.

PLACE: Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308. Persons wishing to participate by phone may dial: 1(888)670-3525 and enter conference code: 7135858151

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leonard E. Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

~~(1) The reimbursement contract for the 2011 2012 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00518>, including all Amendments and Addenda, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00519>, required by Section 215.555(4), F.S., which is called Form FHCF 2011K “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #(-) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.~~

~~(1)~~(2) The reimbursement contract for the 2012-2013 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=ref-00777>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2012K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 12/11 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2012 through May 31, 2013.

~~(2)~~(3) The reimbursement contract for the 2013-2014 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=ref-01872>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2013K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 11/12 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2013 through May 31, 2014.

~~(3)~~(4) The reimbursement contract for the 2014-2015 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=ref-03348>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2014K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 12/13 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2014 through May 31, 2015.

~~(4)~~(5) The reimbursement contract for the 2015-2016 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=ref-04711>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2015K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), <http://www.flrules.org/Gateway/reference.asp?No=ref-05417>, rev. 11/14 is hereby adopted and incorporated by reference into this rule. In addition, Form 2015K-2, Amendment No. 1 to the Reimbursement Contract, is also adopted and

incorporated by reference into this rule. This contract is effective from June 1, 2015 through May 31, 2016.

(5) The reimbursement contract for the 2016-2017 contract _____ year, <http://www.flrules.org/Gateway/reference.asp?No=ref-XXXXX>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2016K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. XX/15 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2016 through May 31, 2017.

(6) Copies of the reimbursement contract may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308 and the telephone number is (850) 413-1335. Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 9-11-11, 12-19-11, 11-18-12, 12-2-13, 11-12-14, 6-2-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 1, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.0021	Cardroom Game Submissions
61D-11.0025	Notification in Writing
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions
61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.009	Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License
61D-11.012	Duties of Cardroom Operators
61D-11.013	Display of Identification and Possession of Occupational Licenses
61D-11.014	Cards
61D-11.0175	Cardroom Drop, Count Rooms, and Count Procedures
61D-11.018	Reporting Requirements to Determine Net Proceeds or Gross Revenues
61D-11.019	Internal Controls
61D-11.025	Cardroom Electronic Surveillance
61D-11.0275	Tournaments
61D-11.0279	Jackpots, Prizes, and Giveaways

PURPOSE AND EFFECT: The purposes and effects of the proposed rules are to update the guidelines that govern cardrooms in the state of Florida. Each of the above listed rules has been updated for clarity, efficiency, and congruency with statute.

SUMMARY: The rules in Chapter 61D-11, F.A.C. cover cardroom operations for the state of Florida. The amendments to this rule chapter will bring those operations into better congruency with the Florida Statutes, clarify rule language, and increase the efficiency of operations carried out by the Division. The games themselves, facilities, security, and proper procedures for securing monies will all be addressed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency. 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.

RULEMAKING AUTHORITY: 550.0251(12), 550.105(2)(b), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 550.0251(6), 849.086(4), 849.086 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 2, 2015, 9:00 a.m.

PLACE: Northwood Centre Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bryan Barber, Rules Coordinator for the Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Suite 50, Tallahassee, Florida 32399, (850)717-1761

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.001 Definitions.

(1) "Activity related to cardroom operations" or "cardroom activity":

(a) Includes any and all activities related to the operation of the cardroom, including activities that require a person to come in contact with or work within the cardroom gaming area, all aspects of management, all aspects of record keeping, all aspects of administration, all aspects of supervision, all aspects of cardroom play, and all activities that support the cardroom operation in any way, unless such activity is specifically excluded from this definition.

(b) No change.

(2) "Add-on" means any additional chips purchased in a tournament which is not considered a buy-in or re-buy.

(3)(2) "All-in" means when a player commits all of his or her chips or tokens into a pot.

(4)(3) "Ante" means a predetermined wager that each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.

(5)(4) "Bet" means to wager an amount signified by the number of chips or tokens contributed to a pot on any betting round.

(6)(5) "Betting round" means a complete wagering cycle in a hand of poker after all players have called, folded, checked, or gone all-in.

(7)(6) "Blind" means a predetermined bet a player or players must place on the table before the cards are dealt.

(8)(7) "Business Entity" means a sole proprietorship, general or limited partnership, corporation, business trust, joint venture, or unincorporated association.

~~(9)~~⁽⁸⁾ “Button” means a circular object moved clockwise around a poker table to denote the assigned dealer for each hand.

~~(10)~~⁽⁹⁾ “Buy-in” means the amount of money required by the cardroom operator to enter and participate in a game.

~~(11)~~⁽¹⁰⁾ “Cardroom gaming area” means any area of a licensed facility designated by the cardroom operator in its floor plan in which authorized games are played or where any type of cardroom operations may occur, such as handling of cash, chips, tokens, dominoes, or cards. The cardroom gaming area shall include entrances and exits.

~~(12)~~⁽¹¹⁾ “Cardroom surveillance” means the employees and systems with capability to observe and electronically record activities being conducted in a cardroom and its supporting areas.

~~(12)~~ “Cashiers’ Cage” means a physical structure that houses cashiers and serves as the central location for the exchange of currency and chips.

(13) No change.

~~(14)~~ “Clearing hands” means displaying the front and back of both hands, with fingers spread over the table in sufficient distance from all other players and objects for surveillance recording.

~~(14)~~⁽¹⁵⁾ “Cross-cash chips” means cashing chips from one licensed cardroom operator’s facility at a different licensed cardroom operator’s facility.

~~(15)~~⁽¹⁶⁾ “Dedicated camera” means a color video camera that continuously records a specific activity.

~~(17)~~ “Designated player” means the player identified by the button as the player in the dealer position.

~~(16)~~⁽¹⁸⁾ “Drop” means the procedure to remove drop boxes before counting the total amount of money, chips, and tokens removed from the drop box.

~~(17)~~⁽¹⁹⁾ “Drop Box” means a locked container permanently marked with the number corresponding to a permanent number on the card or domino table.

~~(18)~~⁽²⁰⁾ “Facility” means the cardroom, any storage area for card or domino tables, cards, chips, tokens, dominoes, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room, and imprest vault.

~~(21)~~ “Fanning” means spreading a deck of cards in front of the imprest tray so that each card can be identified by surveillance cameras.

~~(19)~~⁽²²⁾ “Game” means the completion of all betting rounds and final determination of a winner based upon the comparison of all cards dealt and held by players at the end of all betting at a table.

~~(20)~~⁽²³⁾ “Hand” means the group of cards dealt to a player in a game.

~~(21)~~⁽²⁴⁾ “Imprest tray” means any tray in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept.

~~(22)~~⁽²⁵⁾ “Jackpot pool” means an accumulation ~~an accumulative pool~~ of money collected from card games to be that is awarded to a player or players in accordance with section 849.086(7)(d), F.S. who hold a certain combination of cards specified by a cardroom operator.

~~(23)~~⁽²⁶⁾ “Licensee” means a person or entity holding any license issued by the division for purposes of cardroom operations.

~~(24)~~⁽²⁷⁾ “Operate” means to conduct authorized games pursuant to Section 849.086, F.S.

~~(28)~~ “Playing light” means ~~drawing chips or tokens from the pot to show how much a player owes when the player is out of chips or tokens in an effort to allow a player to continue without chips or tokens, until more chips or tokens are earned.~~

~~(25)~~⁽²⁹⁾ “Pot” means the total amount wagered in a game ~~or series of games of poker or dominoes.~~

~~(26)~~⁽³⁰⁾ “Proposition player” means a player who is employed by a cardroom operator, but who uses his own money to initiate or play in games.

~~(27)~~⁽³¹⁾ “PTZ Camera” means a light-sensitive color video camera that has pan, tilt, and zoom capabilities.

~~(28)~~⁽³²⁾ “Raise” means to increase the size of the preceding bet.

~~(29)~~⁽³³⁾ “Re-buy” means the additional tournament chips ~~or tokens~~ purchased by players according to the schedule of re-buys prominently displayed in the cardroom during tournament play.

~~(30)~~⁽³⁴⁾ “Round of play” means, for any game of poker, the process by which cards are dealt, bets are placed and the winner is determined and paid in accordance with the rules of Chapter 61D-11, F.A.C.

~~(35)~~ “Shift” means ~~a period of time designated by the employer during which an employee works when a licensed cardroom is open to conduct business pursuant to Rule 61D-11.012, F.A.C.~~

~~(31)~~⁽³⁶⁾ “Shill” means a player in a game provided by or employed by a cardroom operator who only bets with money provided by the cardroom operator.

~~(32)~~⁽³⁷⁾ “Showdown” means the point in a poker game in which all hands are fully revealed to all other players and the hand with the best combination becomes the winner.

~~(38)~~ “Shuffle” means ~~the process of mixing or rearranging a deck of cards to remove the probability that a predetermined series of cards may be drawn from the deck after it is mixed or rearranged.~~

~~(33)~~~~(39)~~ “Side bets” means additional wagers made between two or more persons on the outcome or any portion of an authorized game ~~other than wagers authorized pursuant to Chapter 849, F.S.~~

~~(34)~~~~(40)~~ “Supporting areas” means those areas supporting the operation of the cardroom including, but not limited to, surveillance, cashiers’ cages, podiums, vaults, and count rooms.

~~(35)~~~~(41)~~ “Surveillance room” means a secure location in a pari-mutuel facility used for cardroom surveillance.

~~(36)~~~~(42)~~ “Surveillance system” means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.

~~(37)~~~~(43)~~ “Tip box” means a locked container into which all dealer tips must be inserted.

~~(38)~~~~(44)~~ “Tournament chips” means chips that have no cash value that are used in tournament play.

~~(39)~~~~(45)~~ “Vault” means a secure location where chips and currency are maintained.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 5-9-04, 9-7-08, 7-21-14, .

61D-11.002 Cardroom Games.

(1) No change.

(2) The cardroom operator shall prominently display a list of all games available for play in the cardroom that have been reviewed by the division for compliance with Chapter 849, F.S., and are included within the cardroom’s internal controls. ~~are authorized pursuant to Chapter 849, F.S.~~

(3) The cardroom operator shall maintain a copy of the rules of play ~~including wagering requirements.~~ The rules of play shall be made available to the division or to players upon request.

~~(4) A cardroom operator who has reasonable cause to believe that a player in an authorized game has acted or is acting in one of the following manners may require the player to leave the game or facility.~~

~~(a) If a player is not playing the game solely to improve his or her chance of winning;~~

~~(b) If a player is taking or attempting to take action to improve another player’s chance of winning;~~

~~(c) If a player communicates any information to another player which could assist the other player in any manner respecting the outcome of a game.~~

~~(5) Card games that utilize a designated player that covers other players’ wagers shall be governed by the cardroom operator’s house rules. The house rules shall:~~

~~(a) Establish uniform requirements to be a designated player;~~

~~(b) Ensure that the dealer button rotates around the card table in a clockwise fashion on a hand by hand basis to provide each player desiring to be the designated player an equal opportunity to participate as the designated player; and~~

~~(c) Not require the designated player to cover all potential wagers.~~

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 550.0251(6), 849.086(4) FS. History–New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, 7-21-14, _____.

61D-11.0021 Cardroom Game Submissions

(1) A cardroom operator or business occupational licensee shall submit to the division, office of auditing, a complete cardroom game submission for review and evaluation of compliance with the provisions of Section 849.086, F.S., and Chapter 61D-11, F.A.C., prior to the game being included in any cardrooms’ internal controls. The game submissions shall include all of the following:

(a) The name and a description of the game;

(b) A description of the type of table utilized in the game which includes, the shape, and any markings or writing to be made on the table felt;

(c) The number of possible players participating in the game;

(d) Type of card deck(s) used;

(e) A ranking of cards and hands. The rankings shall be supported by documentation establishing it as a poker ranking;

(f) Betting scheme and all possible rules for wagers;

(g) Dealing procedures;

(h) Round of play procedures;

(i) Rake amounts and procedures;

(j) Glossary of Terms

(2) A game submission will not be considered reviewed until the division has posted the game submission to www.myfloridalicense.com/dbpr/pmw.

(3) A cardroom operator may include in their internal controls a game submission from www.myfloridalicense.com/dbpr/pmw by referencing the game by its hyperlink.

Rulemaking Authority 550.0251(12), 849.086(4),(11)FS. Law Implemented 849.086 FS. History – New .

61D-11.0025 Notification in Writing.

Rulemaking Authority 849.086(4) FS. Law Implemented 849.086 FS. History–New 9-7-08, Repealed .

61D-11.003 Card-Play Hands.

~~(1) The ranking of cards in a poker hand shall be:~~

~~(a) Consistent with the rules of Hoyle’s Modern Encyclopedia of Card Games, 1974 Edition, adopted and incorporated herein by reference, or;~~

~~(b) Included within the rules of play for that game if the ranking of the cards is different from paragraph (a) of this rule.~~

~~(2) If the joker card is to be used in certain games, the house must prominently display within the cardroom area in which games the joker card will be used and how the joker card will be ranked in a showdown.~~

~~(1)(3) Before a card game may be played, the dealer must shuffle the cards.~~

~~(2)(4) Cards, once completely shuffled, must be dealt out of the hand of the dealer.~~

~~(3) If a "button" is used, the button shall designate which player does receive the advantage of playing and betting last.~~

~~(5) Each player shall have the option to accept the "button" to:~~

~~(a) Receive the advantage of playing and betting last; and~~

~~(4)(b) The cardroom operator shall ensure Ensure that the button is may be moved around the card table in a clockwise fashion to provide each player equal opportunity.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, 7-21-14, ___.

61D-11.004 Dealer Responsibilities.

~~(1) A dealer shall not allow a player to enter a card game at his or her table, except as provided for in the cardroom operator's rules of play.~~

~~(1)(2) Dealers shall be rotated to a different table at least every three hours.~~

~~(2)(3) A dealer who receives currency from a player at a card table in exchange for chips or tokens must perform the following:~~

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

~~(3)(4) Dealers shall take breaks only in areas the cardroom operator has designated on the approved cardroom floor plan, submitted pursuant to subsection 61D-11.012(6), F.A.C. 61D-11.012(7), F.A.C.~~

~~(4)(5) Dealers shall accept tips either only while dealing at an assigned table or through a system included within the internal controls. If tips are accepted while dealing at an assigned table, the tip Tips shall be accepted by:~~

~~(a) Tapping the tip on the imprest tray; and~~

~~(b) Dropping the tip in the tip box.~~

~~(5)(6) The tip box shall will then be counted with all other earned tips for the card dealer's assigned shift.~~

~~(6)(7) Other than tips, dealers shall not accept any items of value or gifts from card players or any patrons of the facility.~~

~~(7)(8) Dealers shall not allow cash or other personal items that may inhibit play to be placed on a table during the play of any hand.~~

~~(8)(9) Dealers shall:~~

~~(a) Clear their hands when cash, chips, or tokens are exchanged with or provided to a player;~~

~~(b) Inspect decks of cards at their assigned cardroom tables prior to the beginning of each gaming day or opening of a new table during the gaming day;~~

~~(c) Inspect decks of cards when a new deck of cards is replaced for use at their assigned table; and~~

~~(d) Inspect both sides of each card by spreading the deck of cards in front of the imprest tray so that each card can be identified by surveillance cameras fanning them.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08, 7-21-14, ___.

61D-11.005 Prohibitions.

~~(1) No change.~~

~~(2) No change.~~

~~(3) Side Playing light and side bets are prohibited.~~

~~(4) through (8) No change.~~

~~(9) Player banked games, established by the house, are prohibited.~~

~~(10) A cardroom operator shall not award a giveaway, jackpot, or prize from the jackpot pool in combination with any other eligibility requirements or outcome other than a specified combination of cards pursuant to section 849.086(7)(d), F.S.~~

~~(11) If the division has reasonable cause to believe that any person at a licensed facility has acted or is acting in one of the following manners it may exclude the person from any facility:~~

~~(a) Any person not playing the game solely to improve his or her chance of winning;~~

~~(b) Any person taking or attempting to take action to improve another player's chance of winning;~~

~~(c) Any person communicating information to another player which could assist the other player in any manner influencing the outcome of the game.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08, 7-21-14, ___.

61D-11.006 Inspection of Premises, Records.

~~(1) The cardroom operator shall contact the division, office of auditing, for an inspection for compliance with the provisions of Section 849.086, F.S., and Chapter 61D-11, F.A.C., no less than ten business days prior to opening a new cardroom or amending an existing cardroom area. Amending an existing cardroom area includes changing the number, location or dimensions of tables, surveillance system, internal controls, or floor plan.~~

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

~~(2) The division shall conduct a re-inspection after receiving the cardroom operator's notification of corrections provided in writing pursuant to Rule 61D-11.0025, F.A.C.;~~

~~(2)(3) Subsequent inspections shall be performed according to this rule until identified deficiencies are corrected;~~

~~(3)(4) Upon satisfactory completion of corrective action, the division shall acknowledge in writing that all deficiencies are resolved and that the cardroom operator may proceed with using the designated facility space. The division shall deliver its written acknowledgement and authorization to proceed by e-mail facsimile, mail or hand delivery, to the specific address retained in the division's record of licensure, in writing pursuant to Rule 61D-11.0025, F.A.C.~~

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 9-7-08, 7-21-14,___.

61D-11.007 Cardroom Operator License.

(1) No change.

(2) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, effective 7-21-14, incorporated ~~adopted~~ herein by reference, <https://www.flrules.org/gateway/reference.asp?No=Ref-04395>, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, and submit a fee of \$1,000.00 for each table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial ~~and annual~~ cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal controls, required by Rule 61D-11.019, F.A.C., for approval by the division, and proof of authorization by a local government pursuant to Section 849.086(16), F.S.

(3) No change.

(4) No change.

Rulemaking Authority 550.0251(12), 849.086(4), (5), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, 7-21-14,___.

61D-11.009 Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License.

(1) through (6) No change.

(7) All cardroom employee occupational licensees shall wear their photo identification, issued pursuant to subsection 61D-11.012(9), F.A.C., while on duty. A cardroom employee

shall not attempt to hide his or her photo identification from any patron or from surveillance cameras.

(8) Cardroom occupational licensees may have the option to only wear a facility issued photo identification card if the employee has the cardroom employee occupational license on their person at all times.

Rulemaking Authority 550.0251(12), 550.105(2)(b), 849.086(4)(a), (6)(d), (f) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 3-4-07, 9-7-08, 7-21-14,___.

61D-11.012 Duties of Cardroom Operators.

~~(1) All cardroom operators must conspicuously display a notice of the rake amounts, time limitations, or other rake procedures, and any bet limits imposed at each card and domino table.~~

(1)(2) Cardroom operators shall maintain a roster of all persons a cardroom operator employs. A cardroom operator shall also maintain a weekly listing of all cardroom employees who worked during each week. The list of persons shall include for each employee:

(a) through (c) No change.

(2)(3) Cardroom operators shall maintain a log for three years of persons whose employment with the cardroom operator has been terminated, or the employee resigned, or abandoned his or her position, that includes:

(a) through (c) No change.

(3)(4) The cardroom operator shall notify the division, office of operations, of any change in companies providing services that require licensure within 10 days of such change on Form DBPR PMW-3220, List of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, effective 7-21-14, incorporated adopted herein by reference,

<https://www.flrules.org/gateway/reference.asp?No=Ref-04402>, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(4)(5) Days and hours of cardroom operation shall be those set forth in the application or renewal of the cardroom operator's license, or in the notice of change in the cardroom operator's hours of operation as required in subsection (6) below.

(5)(6) A cardroom operator shall submit proposed changes to the days and hours of cardroom operation to the division in writing prior to proposed implementation;

(6)(7) Cardroom operators shall maintain a cardroom floor plan that shall:

(a) through (d) No change.

~~(7)(8)~~ A cardroom operator must display separate signage throughout the designated cardroom gaming area providing notice of the following:

- (a) The minimum age to play required by Section 849.086(12)(b), F.S.
- (b) The hours of operation;
- (c) No side ~~betting is betting or playing~~ light are permitted; and
- (d) No credit is extended by the house.

~~(8)(9)~~ Cardroom operators shall establish, and list in their internal controls, security controls that limit access into the cashiers' cage(s), count room, vault, and surveillance room. This list which shall include a:

~~(a)~~ A current list of employees, including full names and license numbers, authorized to enter each secure area and shall to be posted on the inside door of the entrance to each specific area, in the security office, and in the surveillance room at all times; and

~~(b)~~ Full names and license numbers as listed on the occupational licenses issued by the division and shall be provided to the division upon request.

~~(9)(10)~~ Cardroom operators are required to issue a photo identification to all cardroom employees. The photo identification shall include, at a minimum, the name of the cardroom facility, cardroom employee occupational license number, and the employee's name.

~~(10)(11)~~ The cardroom operator must provide the division, office of auditing, written notice within 20 days of a change in any management company contract.

~~(11)(12)~~ Cardroom operators shall establish a system for using imprest trays, cashiers' cage, and vaults for cardroom operations that is included in the internal controls, and provides for:

- (a) through (c) No change.

~~(12)(13)~~ At the close of each shift, the chips, tokens, and currency in the imprest tray at each table shall be reconciled to the beginning balances pursuant to the approved cardroom internal controls.

~~(14)~~ Cardroom operators shall remove all drop boxes, other than those used on tables designated as tournament only tables, at the same time each day as indicated in the internal controls and lock them in a secure location until the count takes place.

~~(13)(15)~~ No gaming may be conducted at a card table during the absence of the licensed dealer.

~~(14)(16)~~ No gaming may be conducted within the licensed cardroom facility during the absence of the designated manager or supervisor.

~~(15)(17)~~ When a cardroom operator is offering games of dominoes, the cardroom operator shall designate and assign at least one licensed cardroom employee as the supervisor of games of dominoes. A dominoes supervisor may not supervise more than eight dominoes tables.

~~(16)(18)~~ A cardroom operator shall notify the division, office of investigations, ~~provide a list~~ of each person it refuses entry into its cardroom for a period of 30 days or longer pursuant to Section 849.086(7)(g), F.S., which shall include the:

- (a) through (d) No change.

~~(17)(19)~~ Each cardroom operator providing dominoes for play shall provide internal controls for the interaction between the vault and the dominoes supervisor.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, 9-7-08, 7-21-14,___.

61D-11.013 Display of Identification and Possession of Occupational Licenses.

Rulemaking Authority 550.0251(12), 849.086(4), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, 7-21-14; Repealed, .

61D-11.014 Cards.

(1) The cardroom operator shall only use cards designed to eliminate the ability of any person to place concealed markings on any part ~~the back~~ of all cards in a deck.

~~(2)~~ Cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed shall not be used.

~~(2)(3)~~ All cards shall be plastic.

~~(3)(4)~~ Decks of playing cards intended for use in a cardroom licensed facility shall be locked in a secure location when not in use.

~~(4)(5)~~ Each dealer assigned to a card table shall inspect each deck of playing cards intended for use at that table. ~~Inspection of the deck of playing cards shall commence no earlier than the start of the designated cumulative hours of operation for that cardroom license.~~ The assigned dealer must ensure that cards are not taped, cut, shaved, marked, defaced, bent, crimped, or deformed in any fashion that may permit covert identification of the card by players.

(a) Any card that is taped, cut, shaved, marked ~~with any description~~, defaced, bent, crimped or deformed in any fashion that may permit covert identification of the card ~~by players~~ during the course of play ~~must be withdrawn from play and marked as a complete deck of 52 cards or 54 cards when the joker cards are included, and identified as damaged cards.~~ Each time a card is determined to be damaged as described in this section, the entire deck shall be withdrawn from play and replaced with a new deck after that new deck is thoroughly inspected under the requirements of this rule.

(b) No change.

(c) Cards which have been removed from play shall be permanently altered so that the cards cannot ~~can not~~ be put back into play.

(d) No change.

~~(5)(6)~~ Internal controls shall be established for the issuance of all cards to the shift supervisor and the floor supervisors.

Rulemaking Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, 7-21-14,_____.

61D-11.0175 Cardroom Drop, Count Rooms, and Count Procedures.

(1) ~~Not At the close of each shift, but not~~ Not less than once daily, the cardroom operator shall:

(a) Count and record the amount of chips or tokens and currency for each imprest tray;

(b) Make fills or replenish the imprest trays to bring them back to their beginning balances;

(c) Document beginning and ending inventories in the fill or credit report reflecting the value of chips or tokens and currency whether final fills are or are not made;

(d) Confirm that the designated supervisor has verified the replenishment of each imprest tray; and

(e) Ensure that drop boxes are removed from tables and immediately ~~and~~ transported to the count room or other secure area by two or more employees. At least one of the transporting employees shall be a security employee.

(2) Cardroom operators shall remove all drop boxes, other than those used on tables designated as tournament only tables, at the same time each day, as indicated in the internal controls and lock them in a secure location until the count takes place.

~~(3)(2)~~ The cardroom operator shall have a count room within its facility used for counting of chips, tokens, and funds. Cardroom operations counts shall be performed at separate times and independent of pari-mutuel or slot operations counts.

~~(4)(3)~~ The count room shall include:

(a) Reinforced doors equipped with locks and a device that audibly signals the surveillance monitoring room and the security department whenever a door is opened; All count room doors must remain locked except to allow entrance by authorized individuals as listed on the inside of the count room door pursuant to subsection 11.012(8), F.A.C.

(b) Tables for counting chips, tokens, or currency;

(c) Clear trash bags, if trash containers are present;

~~(d)(e)~~ Surveillance equipment as referenced in paragraph 61D-11.025(5)(b), F.A.C.; and

~~(e)(d)~~ The controlling requirements in Rule 61D-14.063, F.A.C., for count rooms that are also used for slot machine gaming counts.

~~(5)(4)~~ Count Room ~~The internal controls shall include the following procedures shall to be as follows followed before any count process:~~

(a) ~~Chips~~ A procedure for securing chips, tokens, or currency from any previous count; shall be secured before another count begins;

(b) Count teams shall include ~~Procedures providing for a count team, including~~ a designated supervisor and at least two other team members, with the designated supervisor being the count recorder. Count team ~~members~~ members' rotation shall be rotated in such a way so that the team does is not consist exclusively of the same team members ~~three individuals~~ more than any three days per week;

(c) ~~All~~ A procedure ensuring that all persons present in the count room during the counting process shall wear outer garments that must be a full-length, short sleeved, one-piece, pocket-less garment with openings for the arms, feet, and neck only, which are in good condition and completely closed, fastened, or zipped at all times while in the count room;

(d) ~~The~~ A procedure ensuring that the cardroom manager and/or of cardroom supervisors are ~~supervisor is~~ prohibited from participating in the count activities;

(e) ~~No~~ A procedure ensuring that no person shall carry any personal items into the count room, other than those items needed for medical necessity; and

(f) ~~The~~ A procedure ensuring that the designated count team supervisor shall record, in writing, the name and license number of each member of the count team, and record the same information on any personnel entering or exiting the count room during the count process.

~~(5)~~ The internal controls shall include the following procedures for the count process:

~~(a)~~ A procedure for dual count and reconciliation of all chips, tokens, or currency which shall ensure presentation of all chips, tokens, or currency in the count room to an employee who verifies the count;

~~(b)~~ A procedure to resolve any discrepancies which arise at any time during the count or in the transfer of the drop to the vault;

(6) Security employees shall inspect the entire count room, including all trash containers and counting equipment to verify that no chips, tokens, or currency remain in the room.

(7) The count process shall be as follows:

~~(a)(e)~~ All ~~A procedure to require that all~~ count team members enter the count room as a group;

(b) Each drop box is counted separately;

(c) All content keys remain visible to surveillance through the count process;

(d) Count team members empty the contents of each drop box on the count table. No other box is opened while another box, or its contents are on the count table;

(e) Once empty, the drop box number and the inside of the drop box is held up to the full view of a surveillance camera with the drop box number called out verbally;

(f) After each drop box has been viewed and counted, the drop box shall be locked and placed in a storage area exclusively for drop boxes;

(g) During the count, the designated supervisor shall ensure that if

(d) A procedure for the designated supervisor to ensure that:

1. If a count team member has to leave the count room, all count team members:

- 1.a. Cease the count;
- 2.b. Secure all chips in the count room;
- 3.e. Leave the count room together;
- 4.d. Are inspected by security before leaving the count room; and

5.e. Do not re-enter the count room until all count team members are present.

(h) All chips, tokens, or currency shall be dually counted and verified by a third employee;

(i) Any discrepancies which arise at any time during the count or in the transfer of the drop to the vault shall be resolved and documented.

~~2. Count team members empty the contents of each drop box on the count table;~~

~~3. Each drop box is counted separately;~~

~~4. No other box is opened while a box is on the count table;~~

~~5. All content keys remain visible to surveillance until the end of the count;~~

~~6. Once empty, the drop box number and the inside of the drop box is held up to the full view of a surveillance camera with drop box number called out verbally;~~

~~7. After each drop box has been viewed and counted, the drop box shall be locked and placed in a storage area exclusively for drop boxes; and~~

(8) Count reporting shall be completed as follows:

(a)8. The following information shall be is recorded on each count report:

1.a. The table number to which each drop box contents corresponds;

2.b. The value of each denomination of chips, tokens, or currency counted;

3.e. The total value of all denominations of chips, tokens, or currency counted;

4.d. The gaming date of the count and shift if more than one count is conducted daily; and

~~5.e. The total number of all drop boxes opened and counted.~~

6. The employee name and license number of each member of the count team participating in that count.

~~(e) A procedure to require the signed documents to be transported to the accounting or finance department immediately after the count and for that department reconcile the daily count records to the totals on the Monthly Remittance Reports required in subsection 61D-11.018(2), F.A.C.;~~

~~(f) A procedure to ensure that the doors to the count room remain locked except to allow authorized entrance to individuals as listed on the inside of the count room door pursuant to subsection 61D-11.012(9), F.A.C.~~

~~(g) A procedure ensuring that each count report is signed by the count team members and the count team supervisor;~~

~~(h) A procedure requiring that in the event of an emergency drop at a card or domino table, play ceases at that table during the drop;~~

~~(i) A procedure requiring security employees to inspect:~~

~~1. The entire room and all counting equipment to verify that no chips, tokens, or currency remain in the room; and~~

~~2. Any trash containers prior to removal from the count room and to ensure only clear bags are used in the count room.~~

~~(b)(j) Any correction made to any count documentation shall be made A procedure to make corrections to any count documentation by crossing out the error, entering the correct figure, and entering the initials of at least two count team members who verified the change; and~~

~~(k) A procedure to reconcile cardroom drop revenue to an increase in the vault cash balance.~~

(c) Each count report shall be signed by the count team members and the count team supervisor.

(d) Signed count reports shall be transported to the accounting or finance department immediately after the count.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended 7-21-14,

61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues.

(1) Each cardroom operator shall maintain a copy of monthly records related to the cardroom activities on the premises. The cardroom operator must maintain documentation supporting all amounts reported in the records including:-

(a) Count reports, pursuant to rule 61D-11.0175, F.A.C.;

(b) Vault reconciliation reports, pursuant to subsection 61D-11.019(4)(e), F.A.C.;

(c) Tournament reports, pursuant to rule 61D-11.0275, F.A.C.;

(d) Jackpot pool reports, pursuant to rule 61D-11.0279, F.A.C.:

~~(e)(a)~~ For greyhound and jai alai permitholders, each record shall clearly show totals of gross revenues.

~~(f)(b)~~ For harness or thoroughbred permitholders, each record shall clearly show totals of operating revenues, expenses, and net proceeds.

(2) For each license operated, cardroom operators shall file a separate Form DBPR PMW-3640, Cardroom Monthly Remittance Report, incorporated herein by reference, <https://www.flrules.org/gateway/reference.asp?no=Ref>, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 adopted and incorporated by Rule 61D-12.001, F.A.C., with the division by the fifth day of each month for the preceding month's cardroom activity.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 4-12-06, 9-7-08,_____.

61D-11.019 Internal Controls.

(1) No change.

(2) No change.

(3) No change.

(4) The cardroom manager or general manager shall sign and submit the internal controls to the division. The internal controls shall at a minimum contain the following:

(a) through (h) No change.

(i) A list of all ~~authorized~~ games offered for play and a link to each game's description as posted by the division at www.myfloridalicense.com of the rules of play and wagering requirements for each game;

(j) through (o) No change.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 9-7-08, 7-21-14,_____.

61D-11.025 Cardroom Electronic Surveillance.

(1) No change.

(2) The surveillance system must be capable of:

(a) Covert monitoring of:

1. The conduct and operation of card and domino tables, with coverage to view and identify wager amounts, card or domino values, and card suits accurately;

2. The conduct and operation of the location(s) where tournament buy-ins, registrations, re-entries, and prize payouts occur;

3. The conduct and operation of the cashiers' cashier's cage(s) and/or vault;

4. The collection and count of the cardroom's gaming revenue and jackpot pool drop;

5. No change.

(b) No change.

(3) No change.

(4) No change.

(5) Different capability levels of cameras shall be:

(a) Dedicated cameras that record at a rate of 30 frames per second for viewing:

1. No change.

2. No change.

3. The cashiers' cashier's cage(s), cashiers' cashier's drawers, and/or vault, including windows, cabinets, and shelving; and

4. No change.

(b) No change.

(6) through (21) No change.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 10-21-97, Amended 9-7-08, 7-21-14,_____.

61D-11.0275 Tournaments.

(1) Each cardroom operator who conducts tournaments shall maintain, and make available, written procedures for the conduct of each tournament that shall provide:

(a) A detailed breakdown ~~The method~~ for charging house and tournament fees, re-buys, or add-ons for participation in a tournament of poker or dominoes including at a minimum;:

1. The dollar amount of each house and tournament fee, re-buy, or add-on;

~~(b) The point values of chips or tokens;~~

2. ~~(e)~~ The number of chips or tokens each participant will receive for each house and tournament free, re-buy, or add-on upon buy in or registration;

3. ~~(d)~~ A description of the blind, bring-in, and/or ante structure; and ~~Tournament chips or tokens that are visually distinct from those used in regular play;~~

~~(e) The allowance and use of blinds;~~

~~(f) The allowance and use of re-buys;~~

~~(g) The charge for the purchase of additional chips;~~

4. ~~(h)~~ The estimated distribution of winnings; and ~~(i) The process to ensure that chips or tokens will not be redeemed for cash or any other thing of value.~~

~~(2) The written procedures must be available to all interested participants upon request and displayed within the cardroom.~~

2. ~~(3)~~ Cash received for entry fees, re-buys and add-ons, shall be separate from all other cash received by the cardroom operator for regular cardroom gaming until such time as all cash is counted.

~~(3)~~(4) The monthly remittance report filed with the division as required by subsection 61D-11.018(2), F.A.C., shall include an aggregate accounting of the:

- (a) Amount ~~The amount~~ collected for games played in a tournament per player;
- (b) Total ~~The total~~ amount of participation fees collected;
- (c) Total ~~The total~~ number of participants;
- (d) Total ~~The total~~ amount distributed to winning participants;
- (e) Taxable ~~The taxable~~ gross receipts amount; and
- (f) Calculation ~~The calculation~~ of total tax due for tournaments.

~~(4)~~(5) The cardroom operator shall:

~~(a)~~ maintain ~~Maintain~~ supporting documentation for all tournaments played which with a separate entry for each type of daily tournament that reconciles to the aggregated columns provided in the monthly remittance report in subsection (3), (4); and, at a minimum includes the following:

~~(a)~~~~(b)~~ Detailed source documentation for each tournament which includes all information compiled into ~~Maintain a record of the winner's address, in addition to the monthly remittance report; applicable IRS records for any tournament payouts that meet the IRS threshold.~~

(b) A detailed summary of the source documentation for each tournament which is signed by a tournament director and a cashier's cage or vault employee to attest to the accuracy of the receipts and disbursements;

(c) The names of all tournament prize winners. Additionally, if a player's tournament winnings meet applicable IRS reporting thresholds, the cardroom operator shall maintain all information required by the IRS for that player; and

(d) The total amount of chips issued and returned for the tournament.

~~(5)~~(6) A gratuity, tip, or similar charge paid during a tournament is not considered gross receipts if:

(a) through (d) No change.

~~(6)~~(7)—If a cardroom operator offers tournament registration to patrons through licensed vendors, the cardroom operator shall notify the division of the vendor(s), prior to conducting registrations.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended 7-21-14,

61D-11.0279 Jackpots, Prizes, and Giveaways.

(1) All The following requirements apply to all cardroom and dominoes operators offering tables participating in jackpots, prizes and giveaways from the jackpot pool shall:

(a) Conspicuously post in the ~~The cardroom operator shall post~~ the rules of the jackpots, prizes and giveaways offered, including which specific combination of cards is a winner, the amount to be awarded ~~hands constitute a winner or winners,~~ and all details regarding seeding the jackpot pool fund;

(b) Conspicuously display, for the players to see, Post the jackpot pool rake limits and a description of how the jackpot pool rake is collected at for each authorized game in the cardroom table;

(c) Ensure that jackpot pool drop boxes:

1. Are ~~For jackpot proceeds, an additional drop box is installed on an the left hand side of tables or another area of the table as specified in the cardroom's system of internal controls;~~

2. ~~The internal controls require that the dealer drop the jackpot rake into the jackpot drop box;~~

~~2.3.~~ Have ~~Jackpot drop boxes have~~ a permanently affixed number(s) or letter(s) that are of sufficient size to be verified through surveillance coverage and correspond to the table to which the drop box is assigned;

~~3.4.~~ Are ~~Jackpot drop boxes are~~ marked or colored to distinguish them from the regular drop box and tip box;

~~4.5.~~ Are ~~All jackpot drop boxes are~~ dropped and counted daily using drop procedures set forth in Rule 61D-11.0175, F.A.C.;

(d) Ensure that jackpot pool revenue is:

~~1.6.~~ Not ~~Jackpot revenues are not~~ commingled with other monies;

~~7.~~ All revenue from the jackpot drop is:

~~2.a.~~ Deposited ~~daily into a separate non-interest bearing bank account; or~~

~~3.b.~~ Held ~~as cash on hand in the cashier's cage or vault.~~

~~8.~~ The daily balance for each jackpot is displayed prominently within the cardroom gaming area facility;

~~(e)9.~~ Ensure that all ~~All~~ jackpot pool accounting records include:

~~a.~~ Include ~~a detailed ledger with all credits, debits, and any jackpot pool amount carried forward to the jackpot pool from the prior playing day; and are~~

~~b.~~ Are ~~maintained to account for each different jackpot offered.~~

~~(2)10.~~ All jackpot pool payouts shall be ~~are~~ made in accordance with the internal controls, and

~~11.~~ The internal controls will state whether a maximum jackpot threshold limit is established. The internal controls shall state if a threshold is selected, when the designated threshold is achieved, the series of cards comprising the hand winning the jackpot shall be changed to a series of cards that has a higher probability of occurring.

~~(2) Each jackpot amount shall be equal to the ending total balance of that specific jackpot fund at the end of the previous day's count;~~

(3) The cardroom operator shall:

(a) Maintain a separate Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot, effective 7-21-14, ~~incorporated~~ adopted herein by reference, <https://www.flrules.org/gateway/reference.asp?No=Ref-04403>, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, for each day of cardroom activity, and each different jackpot;

(b) Maintain a record of all award recipients name's. Additionally, if the amount of a player's award meets the winner's address, in addition to the applicable IRS reporting thresholds, the cardroom operator shall maintain all information required by the IRS for the player records for any jackpot payouts that meet the IRS threshold.

(4) A jackpot, prize, or giveaway from the jackpot pool shall only be awarded to player(s) holding a combination of cards specified by the cardroom operator prior to play and in accordance with internal controls.

(5) The transaction for a giveaway or prize must be a separate transaction from any buy-in or re-buy. Jackpot pool contributions may be a part of a buy-in or re-buy, but the jackpot pool portion of the buy-in or re-buy must be fully disclosed and accounted for separately.

(6) A cardroom operator may not withhold a percentage of the jackpot pool for the cost of administering the jackpot pool. One hundred percent of any jackpot pool shall be applied to the payment of jackpots.

(7) Cardroom operators shall retain all receipts and invoices for any items purchased to be awarded as jackpot prizes and giveaway payouts.

(8) If jackpot pools from multiple cardroom permitholders are combined to make one collective jackpot pool, the internal controls for each participating cardroom must include procedures to:

(a) through (d) No change.

(e) Notify cardroom patrons of a jackpot claim, which shall include:

1. The announcement at each participating cardroom when a jackpot claim is confirmed; and

2. The display, by each participating cardroom, of the jackpot pool balance(s) as required in subsection (1) of this rule.

(f) Ensure that the accounting and tracking of the jackpot pool shall be made only on Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot Pool, adopted by reference in paragraph (3)(a) above, which shall be:

- 1. Completed separately for each location; and
- 2. Combined for all locations.

Rulemaking Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 9-7-08, Amended 7-21-14,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jonathan Zachem, Director, Division of Pari-mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 18, 2015 & October 19, 2015

Section III Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-35.060 RULE TITLE: Licensure Application Process.
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 191, October 1, 2015 issue of the Florida Administrative Register.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The following is a summary of the SERC:

For rule 59A-35.060, F.A.C., license fees for crisis stabilization units and short term residential treatment units, residential treatment facilities, residential treatment centers for children and adolescents, hospices, assisted living facilities, adult family care homes, and adult day care centers are increased by the Consumer Price Index pursuant to Section 408.805(2), F.S. The total biennial license fees will increase by \$191.47 as follows:

Crisis stabilization units and short term residential treatment units.....	\$5.92
Residential facilities.....	treatment \$15.83
Residential treatment centers for children and adolescents.....	\$10.00

Hospices.....	\$18.00
Assisted living facilities.....	\$109.83
Adult family care homes.....	\$18.34
Adult day care centers.....	\$13.55

Accounting for currently licensed facilities and projected new licensees, the total regulatory increase for a 5 year period is \$1,667,021.93 as follows:

Crisis stabilization units and short term residential treatment units.....	\$18,881.84
Residential treatment facilities.....	\$75,920.68
Residential treatment centers for children and adolescents.....	\$18,540.00
Hospices.....	\$2,106.00
Assisted living facilities.....	\$1,516,146.18
Adult family care homes.....	\$12,324.48
Adult day care centers.....	\$23,102.75

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC and a SERC has been prepared by the Agency. For rule 59A-35.060, F.A.C., license fees for crisis stabilization units and short term residential treatment units, residential treatment facilities, residential treatment centers for children and adolescents, hospices, assisted living facilities, adult family care homes, and adult day care centers are increased by the Consumer Price Index pursuant to Section 408.805(2), F.S. The total biennial license fees will increase by \$191.47. Accounting for currently licensed facilities and projected new licensees, the total regulatory increase for a 5 year period is \$1,667,021.93. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will require legislative ratification.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.006
 RULE TITLE: Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders
 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. 41 No. 60, March 27, 2015 issue of the Florida Administrative Register.

The changes are in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated April 1, 2015.

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders

(1) The Engineer of Record shall indicate on the Structural Engineering Documents the steel joist and joist girder designations as required in Section ~~2207~~ 2206 of the Florida Building Code, Building, 5th Edition (2014), incorporated by reference in Rule 61G20-1.001, F.A.C. (6-30-15), which is incorporated herein by reference and may be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref->, and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The Engineer of Record is responsible for reviewing the ~~The~~ steel joist and joist girder manufacturer's shall designs, as required in subsection (1), above, the steel joist and joist girder members in accordance with as required in Section 2206 of the Florida Building Code to support the loads per the Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations as an indication of compliance. When required to submit the steel joist and joist girder calculations, the Engineer of Record shall require the steel joist and joist girder manufacturer to shall submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal and signature of a Florida registered professional engineer responsible for design of the steel joist and joist girders.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History—New 1-26-93, Formerly 21H-31.006, Amended 10-19-97,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32399

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
 61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors
 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. 41 No. 105, June 1, 2015 issue of the Florida Administrative Register. The changes are in response to comments made at the public meeting held on October 7, 2015.

61G15-35.004(2) shall read as: (2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education ~~or~~ licensure or training to perform the duties assigned by the Special Inspector. Effective July 1, 2016, those qualifications shall include

61G15-35.004(2)(c) shall read as: (c) Possession of a professional Architecture degree. Graduation from a four-year architectural education program; or

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32399

**DEPARTMENT OF FINANCIAL SERVICES
 Division of Insurance Agents and Agency Services**

RULE NOS.: RULE TITLES:
 69B-151.004 Exemptions
 69B-151.006 Duties of Replacing Agent
 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. 41 No. 179, September 15, 2015 issue of the Florida Administrative Register. The change to Rule 69B-151.004, F.A.C., is in response to written comments received after the Department filed its Notice of Proposed Rulemaking. The changes to Rule 69B-151.006, F.A.C., are being made to address comments expressed by the Joint Administrative Procedures Committee.

69B-151.004 Exemptions.
~~Rulemaking Specific~~ Authority 624.308, 626.9611, 626.9641 FS. Law Implemented 624.307(1), 626.9521, 626.9541, 626.9641 FS. History—New 7-9-81, Formerly 4-24.03, Amended 2-2-83, Formerly 4-24.13, 4-24.013, 4-151.004, Repealed.

69B-151.006 Duties of Replacing Agent.
 Where replacement is or may be involved, the agent shall:
 (1) Present to the applicant, not later than at the time of taking the application, a Form OIR-B2-312 “Notice to Applicant Regarding Replacement of Life Insurance” rev. 1-91 ~~in the form~~ as described in Exhibit A adopted in Rule 69B-151.010, F.A.C. The Notice must be signed by the applicant and the agent and left with the applicant.

(2) No Change.
 (3) Submit to the replacing insurer with the application, a completed copy of the Form OIR-B2-312 “Notice to Applicant Regarding Replacement of Life Insurance” rev. 1-91 (Exhibit A) adopted in Rule 69B-151.010, F.A.C. and a copy of all Sales Proposals used for presentation to the applicant.

~~Rulemaking Specific~~ Authority 624.308, 626.9611, 626.9641 FS. Law Implemented 624.307(1), 626.9521, 626.9541, 626.9641 FS. History—New 7-9-81, Formerly 4-24.04, Amended 2-2-83, Formerly 4-24.15, 4-24.015, 4-151.006, Amended.

The remainder of the proposed rule reads as previously published.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission
 RULE NO.: RULE TITLE:
 11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
 NOTICE IS HEREBY GIVEN that on October 26, 2015, the Criminal Justice Standards and Training Commission, received a petition for a waiver of paragraph 11B-35.002(2)(a), F.A.C., from Chief Alexander Casas of the Florida International University Police Department on behalf Carlos Ramos. Petitioner wishes to waive that part of the rule which states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an

individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment and certification as an officer. Petitioner states Mr. Ramos began basic recruit training on June 13, 2011 and passed the SOCE on December 14, 2011. Petitioner states that Mr. Ramos applied for employment with the FIU police department as a law enforcement officer on March 4, 2015 and was hired on October 5, 2015. Petitioner states there is a critical need for law enforcement officers with the FIUPD due to officer resignations and retirements which also delayed the hire date of Mr. Ramos. Petitioner states that strict application of the rule would result in unreasonable, unfair and unintentional consequences in this instance and create a substantial hardship for both Petitioner and Mr. Ramos. Petitioner states that Mr. Ramos will suffer economic hardship if the waiver is not granted. Petitioner states that the purpose of the underlying statute would be served if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-6.017 Duration of Examination Scores

NOTICE IS HEREBY GIVEN that on October 19, 2015, the Electrical Contractors' Licensing Board, received a petition for variance or waiver filed by John Leavy. Petitioner is seeking a variance or waiver of Rule 61G6-6.017, F.A.C., which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ruthanne Christie, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-6.017 Duration of Examination Scores

NOTICE IS HEREBY GIVEN that on October 16, 2015, the Electrical Contractors' Licensing Board, received a petition for variance or waiver filed by Brooks Michael Myers. Petitioner is seeking a variance or waiver of Rule 61G6-6.017, F.A.C., which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ruthanne Christie, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

NOTICE IS HEREBY GIVEN that on October 26, 2015, the Board of Chiropractic Medicine, received a petition for waiver and variance filed by Lyle W. Grenz, D.C. Petitioner is seeking a waiver or variance from subsection 64B2-13.004(2), F.A.C., which requires that only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable. Petitioner is requesting approval for the course "Whiplash and Spinal Trauma Seminar."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

NOTICE IS HEREBY GIVEN that on October 26, 2015, the Board of Chiropractic Medicine, received a petition for variance or waiver filed by Giulie Gallo, D.C. The petitioner is seeking a waiver or variance of subsection 64B2-13.004(1), F.A.C., which requires that for the purpose of renewing a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education during the past two years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

NOTICE IS HEREBY GIVEN that on October 26, 2015, the Board of Chiropractic Medicine, received a petition for waiver and variance filed by Lyle W. Grenz, D.C. Petitioner is seeking a waiver or variance from subsection 64B2-13.004(2), F.A.C., which requires that only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable. Petitioner is requesting approval of the course “Functional Neurology.”

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on October 23, 2015, the Board of Massage Therapy received a petition for Angela Bascou. The Petitioner seeks the board’s approval for a waiver requiring completion of a 500-hour program for licensure as Petitioner currently holds a massage license in California and a National Certification. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588, or Claudia.Kemp2@flhealth.gov.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 19, 2015, 10:00 a.m. – 11:00 a.m.

PLACE: Telephone conference: toll-free: 1(888)670-3525, conference code: 7071360675

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation District 2 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2015, 4:30 p.m. – 6:30 p.m., followed by public comments

PLACE: Renaissance World Golf Village Resort, Legends Ballroom, 500 South Legacy Trail, St. Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting is an opportunity for interested persons to express their views concerning Financial Project ID Numbers 424026-4 and 424026-5, otherwise known as the I-95 Express Lanes project from International Golf Parkway in St. Johns

County to the I-295 interchange in Duval County, Florida. Express lanes are an innovative concept to manage traffic congestion and provide choices for motorists. These additional lanes will provide more capacity in areas where traffic congestion is a major problem. FDOT is also conducting a study to see if noise barriers are feasible in the project area. FDOT seeks public participation without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967 extension 7873. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2015, 10:00 a.m.

PLACE: Telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Regional Councils Association Path Forward Committee will hold its bi-weekly meeting.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2015, 9:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Treasure Coast Regional Planning Council will conduct its Annual meeting.

A copy of the agenda may be obtained by contacting: Liz Gulick, (772)221-4060, lgulick@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Liz Gulick, (772)221-4060, lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick, (772)221-4060, lgulick@tcrpc.org.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2015, 8:45 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Treasure Coast Regional Planning Council's Budget and Personnel Committee will meet prior to the regular Council meeting to discuss the annual review of Council's Executive Director.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2015, 8:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of Council's Nominating Committee. The Committee needs to develop a recommendation for the Year 2015 Officers.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2015, immediately following the regular Council meeting

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council's Gubernatorial Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2015, 12:00 Noon, Lands Committee Meeting; 1:00 p.m., Governing Board Meeting; 1:05 p.m., Public Hearing on Regulatory Matters

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business. Amendment No. 11 request realignment of the FY 2014-2015 budget with no increase or decrease to the District budget.

A copy of the agenda may be obtained by contacting: Savannah White at (850)539-5999 or <http://nwfwater.com/about/governing-board/board-meetings-agendas/>.

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 72 hours before the workshop/meeting by contacting: Wendy Dugan at (850)539-5999. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 17, 2015, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing; consider SWFWMD business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lori.manuel@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4606(Ad Order EXE0468).

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2015, 12:00 Noon – 4:30 p.m.

PLACE: University of North Florida (UNF), Adam W. Herbert University Center, 1 UNF Drive, Jacksonville, FL 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss health information technology with industry leaders, subject matter experts, and Agency for Health Care Administration representatives through panel discussions.

A copy of the agenda may be obtained by contacting: Haley Priest, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop 16, Tallahassee, FL 32308-5403.

The agenda will be posted at: <https://www.floridahie.net/event.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Haley Priest at (850)412-3752. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Haley Priest at (850)412-3752.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children & Families announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 2015, 2:00 p.m.

PLACE: Juvenile Welfare Board Building, 14155 58th Street North, Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Pinellas Alliance Business.

A copy of the agenda may be obtained by contacting Stephanie Allen at (727)373-7842.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Stephanie Allen at (727)373-7842. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 23, 2015, 9:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 4, Tallahassee, Florida, by telephone conference: 1(888)670-3525, participant code: 7706501491

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the public hearing is to consider the comments of the public directed to the scope and application of the following documents: 1) the Department of Children and Families Statewide Auxiliary Aids and Service Plan for Persons with Disabilities & Persons with Limited English Proficiency; 2) the Department of Children and Families Operating Procedure American With Disabilities Act (DAD) Accommodation Procedures for Applicants/Employees/General Public, CFOP 60-10, Chapters 1 and 3); and the Department of Children and Families Operating Procedure Methods of Administration: Equal Opportunity in Service Delivery, CFOP 60-16, and whether the public interest is served adequately by the application of

these documents on a case-by-case basis, as contrasted with their adoption by the rulemaking procedures or requirements set forth in Chapter 120, Florida Statutes.

A copy of the agenda may be obtained by contacting: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission's Fish and Wildlife Research Grants Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2015, 11:00 a.m. – 11:30 a.m., ET

PLACE: Florida Fish and Wildlife Conservation Commission, Room 204, Koger-Berkeley, 2590 Executive Center Circle East, Tallahassee FL 32301 and the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida 33701. Video conferencing will be used. Interested persons may participate through video conferencing by appearing in person at the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida 33701 or the Florida Fish and Wildlife Conservation Commission, Room 204, Koger-Berkeley, 2590 Executive Center Circle East, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the meeting of the Fish and Wildlife Research Institute Grants Program Committee to evaluate a proposal titled First direct assessment of the size-selectivity of hook and line gear, chevron traps and underwater cameras for Red Snapper and other reef fishes in the U.S. South Atlantic.

A copy of the agenda may be obtained by contacting: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)617-9436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@myFWC.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2015, 7:00 p.m.

PLACE: Franklin County Court Room, 33 Market Street, Apalachicola, FL 32320

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for FWC's ten-year Management Plan for the FWC Lead Managed Portions of Box-R Wildlife Management Area (BRWMA).

This hearing is being held exclusively for discussion of the draft Box-R WMA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development go online to: <http://myfwc.com/conservation/terrestrial/management-plans/upcoming/>.

A copy of the agenda may be obtained by contacting: Rebecca Shelton, Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)617-9404, Rebecca.Shelton@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Rebecca Shelton. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dylan Imlah, (850)487-9102, Dylan.Imlah@MyFWC.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

The Division of Treasury, Bureau of Deferred Compensation announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2015, 9:00 a.m.

PLACE: The Hermitage Centre, Conference Room 440-C, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Deferred Compensation Advisory Council Meeting.

A copy of the agenda may be obtained by contacting: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery and Consumer Services, Probable Cause Panel A announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 10, 2015, 10:00 a.m.

PLACE: 111 West Madison Street, Claude Denson Pepper Building, Room 336J, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider the following disciplinary case with prior findings of probable cause: Yvette E. Klausch., Case No. 164630-14-FC.

A copy of the agenda may be obtained by contacting: LaTonya Bryant, (850)413-3039, LaTonya.Bryant@myfloridacfo.com.

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The Treasure Coast Education Research & Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2015, 3:00 p.m.

PLACE: Treasure Coast Research Park, in the UF/IRREC Building, 2199 S. Rock Road, Fort Pierce, FL 34952

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Any matters that may come before the TCERDA Board for their consideration/authorization, including but not limited to minutes, treasurer's report, etc.

A copy of the agenda may be obtained by contacting the Treasure Coast Research Park office at (772)467-3017.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Treasure Coast Research Park office at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Treasure Coast Research Park office at (772)467-3107.

MRGMIAMI

The Florida Department of Transportation (FDOT) District Six announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2015, 6:00 p.m. – 8:00 p.m.

PLACE: Redland Golf & Country Club, 24451 SW 177 Avenue, Miami, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public meeting to discuss the design and scope of work for a roadway widening and reconstruction project along State Road (SR) 997/Krome Avenue from south of SW 296 Street to south of SW 232 Street, in Miami-Dade County. The project identification number is 427369-1-52-01.

The proposed work includes: reconstruction and widening of Krome Avenue; providing a drainage system; providing lighting along the length of the project; and replacing the Mowry Bridge over the C-103 canal. Construction is expected to begin in August 2019 and last for a time that is yet to be determined. The estimated cost of the project is \$34 million.

The public meeting will be held as an open house and attendees are welcome to arrive any time between 6:00 p.m. and 8:00 p.m. to review the proposed plans and project displays. FDOT representatives will be available to discuss the project, answer questions, and receive comments on the proposed improvements.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting Public Information Specialist Alexandra Medina at (786)607-3002, amedina@mrgmiami.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven (7) days before the workshop/meeting by contacting Ivette Ruiz-Paz, Florida Department of Transportation, District Six, 1000 NW 111 Avenue, Miami, Florida 33172, (305)470-5349, ivette.ruiz-paz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Public Information Specialist Alexandra Medina, (786)607-3002, amedina@mrgmiami.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on October 15, 2015, the Construction Industry Licensing Board has received the petition for declaratory statement from Frank Russo. The petition seeks the agency’s opinion as to the applicability of Section 489.105(3)(b), Florida Statutes, as it applies to the petitioner.

The petitioner seeks a declaratory statement regarding Section 489.105(3)(b), Florida Statutes, as to whether a CGC or CBC can perform/complete a swimming pool resurface with marcite or other coating; perform/complete pool waterline and/or step re-tile; perform/complete pool leak detection with or without repairs; perform/complete pool re-plumb or new plumbing; perform/complete pool new equipment set and/or change-out existing equipment; and perform/complete pool deck renovation, and if so, to what extent. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice 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

RFP 2016-21-21 PeopleSoft ERP System Technical Support Services

DISTRICT BOARD OF TRUSTEES

MIAMI DADE COLLEGE

11011 S.W. 104th STREET

MIAMI, FL 33176-3393

Bids listed below will be accepted in the Purchasing Department, Room 9254, by 3:00 p.m. November 20, 2015.

Prospective bidders may view bid forms, and related documents, at College’s Purchasing Department website: www.mdc.edu/purchasing.

BID NUMBER BID TITLE
 RFP 2016-21-21 PeopleSoft ERP System Technical Support Services

Pre-Proposal Meeting
 November 10, 2015, 10:00 a.m.
 MDC Kendall Campus, 11011 SW 104 Street, Miami FL 33176
 Building R, Room R404

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, that person will need a record of the proceedings, and for such purpose 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. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305)237-2402.

AULD & WHITE CONSTRUCTORS, LLC
 Notice of Bid

NOTICE TO SUBCONTRACTORS
 PROJECT NAME: City of Atlantic Beach
 Public Safety Building
 REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC will be accepting proposals, which will be received until (date to be determined), at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project.

SCOPE DESCRIPTION: Auld & White Constructors, LLC has been selected as the Construction Management Firm for the renovations and expansion to the Public Safety Building. Included in the overall Scope of Work will be selective demolition, renovation and addition to the existing facility.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid no later than November 6, 2015. Project drawings and specifications will be available in early November at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216. All interested bidders shall submit their Notice of Intent to Bid by fax: (904)296-1896, attention Elizabeth Wilcox or by email: awcestimating@auld-white.com.

Auld & White Constructors, LLC is committed to providing equal opportunity and strongly encourages all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding

and to accept bids which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

Section XII Miscellaneous

STATE BOARD OF ADMINISTRATION

Estimated Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida (the "Board") of the estimated borrowing capacity, estimated claims-paying capacity, and projected balance of the Florida Hurricane Catastrophe Fund (the "Fund") as of December 31, 2015, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. These estimates relate to the 2015-2016 Reimbursement Contract Year. For October 2015, based on an estimated borrowing capacity of \$7.6 billion, \$12.7 billion projected year-end cash balance, \$1 billion of reinsurance, and \$2 billion of Series 2013A pre-event bonds, the Fund's total estimated claims-paying capacity over the next 12 months, without the \$17 billion statutory limitation, is \$23.3 billion. The issuance of \$1.2 billion of pre-event bonds, authorized by resolution of the Board on April 14, 2015, would use part of the estimated post-event borrowing capacity and potentially reduce the remaining post-event borrowing capacity available to \$6.4 billion. The borrowing capacity estimate is dependent on many factors, such as the credit rating of the debt, the amount of emergency assessments available for funding the debt, the limitations or constraints of the financial markets to absorb potential debt issuances, the time necessary to access such markets, and the existing level of interest rates at the time of issuance. The projected year-end balance available for reimbursement of participating insurers on December 31, 2015, is estimated to be \$12.7 billion, which represents the amount of assets available to pay claims resulting from Covered Events which may occur during the June 1, 2015 through May 31, 2016 Contract Year, not including any bond proceeds. The obligation of the Board for the payment of reimbursable losses is limited in Section 215.555(4)(c)1., Florida Statutes, and shall not exceed the actual claims-paying capacity of the Fund, up to the statutory maximum of \$17 billion for this Contract Year. The estimated claims-paying capacity consists of the estimated borrowing capacity, the projected year-end cash balance, reinsurance, and pre-event bonds which can be used for liquidity. Greater detail may be obtained in the October 15, 2015, Claims-Paying Capacity Estimates Report, which can be found on the Fund's website at www.sbafla.com/fhcf/ under "Bonding Program." The Board recognizes that its good faith estimates are being made while volatile global financial market conditions exist, and

therefore, changing market conditions can dramatically impact the Fund's actual claims-paying capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to issue revenue bonds. Participating insurers who rely on these estimates should recognize the potential impact the financial market can have on the Board's claims-paying ability and plan accordingly.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Staff is soliciting comments regarding CenturyLink's request to revise its Performance Measurement Plan in Florida. These revisions are consistent with recent revisions made in CenturyLink's Nevada Performance Measurements Plan as adopted by the Nevada Public Utilities Commission. Staff requests that comments regarding any needed changes to the current plan and comments on CenturyLink's proposed changes be filed by Tuesday, December 15, 2015. Comments should be filed in Docket No. 000121B-TP and may be filed electronically with the Office of the Commission Clerk at <https://secure.floridapsc.com/e-filings/efiling.aspx>, or by U.S. Mail to: Florida Public Service Commission, Attn: Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399. An electronic version of any comments filed should also be provided to Jeff Bates at jbates@psc.state.fl.us. Comments should address any issues or concerns regarding whether Florida should adopt the Nevada Public Utilities Commission's ordered revisions to the Performance Measurement Plan, filed with the Florida Public Service Commission on October 15, 2015, in docket 000121-B-TP. For additional information, please contact Kelley Corbari, Office of the General Counsel, at kcorbari@psc.state.fl.us or (850)413-6234.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-175

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-175 on October 26, 2015, in response to an application submitted by Markham Place Homeowners Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the applications for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
