

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-15.001	Registration
5J-15.002	Enforcement Actions and Administrative Penalties

PURPOSE AND EFFECT: The purpose of this rulemaking is to update a form reference and amend the penalty section for compliance with statutory changes made to the household moving services laws by Chapter 2017-79, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Updated penalty sections and form reference.

RULEMAKING AUTHORITY: 507.09(3), 570.07(23) FS.

LAW IMPLEMENTED: 507.03, 507.04, 507.05, 507.08, 507.09, 507.10, 507.11, 570.971(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: W. Alan Parkinson, Bureau Chief, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, phone (850)410-3697.

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
5J-25.009	DOCUMENTS INCORPORATED BY REFERENCE

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend forms incorporated by reference to streamline the application process and to comply with 2017 legislative changes and the dealers in agricultural products law.

SUBJECT AREA TO BE ADDRESSED: Updated FDACS-06301, Statement of Exemption and FDACS-06302, Application for Agricultural Products Dealer License.

RULEMAKING AUTHORITY: 534.48, 570.07(23), 604.27 FS.

LAW IMPLEMENTED: 534.48, 601.66, 604.16, 604.18, 604.20, 604.21, 604.23, 604.33 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Liz Compton, Bureau Chief, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, phone (850)410-3800.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-8.001	Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes a rule amendment to address a range of penalties for a violation of Section 458.331(1)(uu), F.S., with regard to physicians who issue patient certifications which are not in compliance with Section 381.986, F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for a violation of Section 458.331(1)(uu), F.S., with regard to physicians who issue patient certifications which are not in compliance with Section 381.986, F.S.

RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(5) FS

LAW IMPLEMENTED: 381.986(4)(d), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.018      RULE TITLE: Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions.

PURPOSE AND EFFECT: The Board proposes the development of a new rule to incorporate the mandatory informed consent form for medical marijuana and the documentation form for comparable medical conditions.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the mandatory informed consent form for medical marijuana and the documentation form for comparable medical conditions.

RULEMAKING AUTHORITY: 381.986 FS.

LAW IMPLEMENTED: 381.986 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.013      RULE TITLE: Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions.

PURPOSE AND EFFECT: The Board proposes the development of a new rule to incorporate the mandatory informed consent form for medical marijuana and the documentation form for comparable medical conditions.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the mandatory informed consent form for medical marijuana and the documentation form for comparable medical conditions.

RULEMAKING AUTHORITY: 381.986 FS.

LAW IMPLEMENTED: 381.986 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.002      RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The Board proposes a rule amendment to address a range of penalties for a violation of Section 459.015(1)(ww), F.S., with regard to physicians who issue patient certifications which are not in compliance with Section 381.986, F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for a violation of Section 459.015(1)(ww), F.S., with regard to physicians who issue patient certifications which are not in compliance with Section 381.986, F.S.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 381.986(4)(d), 456.072, 456.079, 456.50, 459.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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 REVENUE**

RULE NO.: 12-16.003      RULE TITLE: Form of Consent Agreements

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-16.003, F.A.C., is to adopt, by reference, administrative updates that clarify signature requirements for the Consent to Extend the Time to Issue an Assessment or File a Claim for Refund, form DR-872.

SUMMARY: The proposed amendments modify form DR-872 to specify persons that are authorized to sign the form.

**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 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 8, 2017, 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 days before the workshop/meeting by contacting: Becky Avrett 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: Brinton Hevey, (850)717-7082

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 ~~2017~~ ~~2016~~, hereby incorporated by reference, effective 01/18 ~~01/16~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06274>), as the form to be used for the purposes of this chapter. 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~~ website ~~site~~ at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/forms~~; or, 2) calling the Department at ~~(850)488-6800~~ ~~1(800)352-3671~~, Monday through Friday ~~(excluding holidays)~~, ~~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 1(800)955-8770 (Voice) and 1(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, 1-11-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Brinton Hevey

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

RULE NO.: RULE TITLE:

12-29.003 Florida Tax Credit Scholarship Program; Applications

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-29.003, F.A.C., is to implement statutory changes made by Chapter 2017-166, L.O.F., which require the Department to provide copies of certain correspondence to the nonprofit scholarship-funding organization specified by a taxpayer applying for a credit through the Florida Tax Credit Scholarship Program.

SUMMARY: The proposed amendments incorporate revisions to the forms used to administer the Florida Tax Credit Scholarship 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 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), 1002.395(13) FS. LAW IMPLEMENTED: 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (5), (13) 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 8, 2017, 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: Becky Avrett 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: Brinton Hevey, (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12-29.003 Florida Tax Credit Scholarship Program; Applications.

(1)(a) No change.

(b) Copies of the application forms and instructions are available, without cost, by one or more of the following methods: 1) downloading the application from the Department's website ~~Internet~~ site at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/forms~~; or, 2) calling the Department

at ~~850-488-6800 (800)352-3671~~, Monday through Friday ~~(excluding holidays), 8 a.m. to 7 p.m. (Eastern Time)~~; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. Persons with hearing or speech impairments may call the Florida Relay Service at (800)955-8770 (Voice) and (800)955-8771 (TTY).

Form Number	Title	Effective Date
(2)(a) DR-116000	Application for Tax Credit Allocation for	<del>07/15</del>
	Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (R. <u>01/18</u> <del>07/15</del> )	
		( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-05600">http://www.flrules.org/Gateway/reference.asp?No=Ref-05600</a> )

(b) DR-116100	Application for Rescindment of Tax Credit Allocation for Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (R. <u>01/18</u> <del>07/15</del> )	
		( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-00818">http://www.flrules.org/Gateway/reference.asp?No=Ref-00818</a> )

(c) DR-116200	Florida Tax Credit Scholarship Program – <del>07/15</del>	
	Notice of Intent to Transfer a Tax Credit (R. <u>01/18</u> <del>N-07/15</del> )	
		( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-05601">http://www.flrules.org/Gateway/reference.asp?No=Ref-05601</a> )
	Rulemaking Authority 213.06(1), 1002.395(13) FS. Law Implemented 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (5), (13) FS. History—New 6-6-11, Amended 1-25-12, 7-28-15, _____.	

NAME OF PERSON ORIGINATING PROPOSED RULE: Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-1.004	Sales Tax Brackets
12A-1.005	Admissions
12A-1.038	Consumer's Certificate of Exemption; Exemption Certificates
12A-1.044	Vending Machines
12A-1.060	Registration
12A-1.097	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.004, F.A.C., is to update the Department's webpage link that provides sales tax bracket rates.

The purpose of the amendments to Rule 12A-1.005, F.A.C., is to incorporate changes made to Section 212.04, F.S., by Section 22 of 2017-36, L.O.F., which authorize refunds or credits of sales tax paid on the purchase of admissions that are resold to certain exempt entities under certain circumstances.

The purpose of the amendments to Rule 12A-1.038, F.A.C., is to implement the statutory changes made to Section 212.08(6), F.S., by Section 26 of 2017-36, L.O.F., which allows an entity that operates a municipally-owned golf course to make certain purchases tax exempt under certain conditions.

The purpose of the amendments to Rule 12A-1.044, F.A.C., is to remove the requirement for vending machine operators to post a specified notice on vending machines, as provided in Section 24 of Chapter 2017-36, L.O.F.

The purpose of the amendments to Rule 12A-1.060, F.A.C., is to incorporate the statutory elimination of the \$5.00 registration fee required of persons that submit a Florida Business Tax Application (Form DR-1), as provided in Section 29 of Chapter 2017-36.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to adopt, by reference, changes to forms currently used to administer sales and use tax, as well as to promulgate a form for the first time. Changes to forms bring the forms into compliance with current administrative procedures, update contact information for the Department, and implement statutory changes. The new form will be used in the calculation of sales tax on certain leases of real property, as provided in Chapter 2017-36, L.O.F.

The purpose of additional amendments to Rules 12A-1.004, 12A-1.038, and 12A 1.060, F.A.C. is to update contact information.

**SUMMARY:** The proposed amendments incorporate revisions to sales tax 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 rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

**RULEMAKING AUTHORITY:** 202.17(3)(a), 202.22(6), 202.26(3), 212.04(4), 212.0515, 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., (2)(d), 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, 212.0596(1), (2), 212.06, 212.0606, 212.07(1), (2), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (3), (4), (5), (6), (9), (10), (11), (13), 212.13, 212.14(4), (5), 212.16(1), (2), 212.17, 212.18(2), (3), 212.183, 212.21 (2), 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) , 616.260, F.S.

**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 8, 2017, 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: Becky Avrett, (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: Brinton Hevey (850) 717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 12A-1.004 Sales Tax Brackets.

The Department has prepared, for public use, sales tax rate tables to provide the effective sales tax effective brackets for counties that do not impose a discretionary sales surtax and for counties that impose one or more discretionary sales surtax in Florida. Copies of effective sales tax brackets are available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Rate Table from the Department's website Internet site at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/taxes~~; or, 2) calling the Department at ~~(850)488-6800 4(800)352-3671~~, Monday through Friday ~~(excluding holidays), 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 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (3), (6), 212.031(1)(c), (d), 212.04(1), 212.05(1), 212.08(3), 212.12(9), (10), (11) FS. History—New 10-7-68, Amended 6-16-72, 9-24-81, 7-20-82, Formerly 12A-1.04, Amended 12-13-88, 8-10-92, 3-17-93, 12-13-94, 6-19-01, 11-1-05, 9-1-09, .

#### 12A-1.005 Admissions.

(1) through (4) No change.

(5) Resale of Admissions.

(a) No change.

(b) When However, if the purchaser of an admission resells the admission for the same amount or less, tax shall not be collected, and no credit is allowed for tax previously paid.

(c)1. When an admission is resold to an entity exempt from sales tax, the selling dealer may claim a credit or seek a refund from the Department for the amount of tax it paid on its purchase of the admission. This provision does not apply to sales of admissions to an exempt entity for resale. To receive a refund of tax paid on an admission that is resold to an entity exempt from sales tax, the selling dealer must file an Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department within 3 years after the date the tax was paid. The applicant shall include the exempt entity's Consumer's Certificate of Exemption, or other applicable proof of the

entity's exempt status, as well as a copy of the documentation that provides evidence of the tax the applicant paid for the admission that was subsequently resold, such as a ticket or invoice. In lieu of filing an application for refund for tax paid on an admission that is resold to an entity exempt from sales tax, the selling dealer may claim a lawful deduction on its sales and use tax return. The selling dealer must retain copies of the supporting documentation necessary to substantiate its entitlement to a refund or credit of tax paid until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.

2. The purchaser of an admission that is resold to an entity exempt from sales tax may seek a refund of the tax paid on the admission directly from the selling dealer when the purchaser and selling dealer are members of the same controlled group of corporations for federal income tax purposes. If the related selling dealer has remitted the tax collected from the related purchaser to the Department it may claim a credit or seek a refund from the Department for the sales tax that it refunded to the related purchaser by obtaining the supporting documentation and following the procedures provided in paragraph (5)(c). If the related selling dealer has not remitted the tax collected from the related purchaser, the selling dealer should retain copies of the supporting documentation necessary to substantiate its entitlement to a refund or credit in lieu of remitting the tax to the Department. The documentation must be retained until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.

(6) No change.

Rulemaking Authority 212.04(4), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History—New 10-7-68, Amended 1-7-70, 6-16-72, 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03, 6-28-05, 4-26-10, 1-12-11, 1-17-13, 1-19-15, \_\_\_\_\_.

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 (e) No change.

(f) The validity of a Florida Consumer's Certificate of Exemption may be verified by using the Department's on-line Certificate Verification System at <https://verify-taxcerts.floridarevenue.com> ~~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)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 https://verify-taxcerts.floridarevenue.com 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 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) No change.

(4) Sales made directly to governmental units.

(a) through (e) No change.

(f) Payments made for the purchase or lease of items used for the operation or maintenance of a municipally owned golf course by an entity under contract with a municipality to maintain or operate a municipally-owned golf course are considered to be made directly by the municipality and are exempt when the following requirements are met:

1. Payment is made from golf course revenues or other funds provided by the municipality for use by the operator under contract;

2. The municipally-owned golf course is located in a county with a minimum population of 2 million residents;

3. Youth education programs are conducted on an ongoing basis at the municipally-owned golf course by a nonprofit organization exempt from federal income tax under 501(c)(3) of the Internal Revenue Code; and,

4. The municipally-owned golf course operator provides a copy of the municipality's Florida Consumer's Certificate of Exemption and a signed copy of the certificate provided in paragraph (4)(g). A selling dealer may verify the government entity's certificate exemption number by obtaining a transaction authorization number through the Department's

online Certificate Verification System, as provided in paragraph (3)(f).

(g) The following is the certificate to be issued by a qualifying entity under contract with a municipality to maintain or operate a municipally-owned golf course to the selling dealer to make tax-exempt purchases or rentals:

EXEMPTION CERTIFICATE TO BE USED BY QUALIFYING MUNICIPALLY-OWNED GOLF COURSE OPERATOR TO MAKE TAX EXEMPT PURCHASES

(Purchaser's Name) certifies that the tangible personal property purchased or leased on or after \_\_\_\_\_ is exempt from sales tax, because the property will be used for the operation or maintenance of \_\_\_\_\_

(a municipally owned golf course), and that the following requirements have been met:

• Payment is made from golf course revenues or other funds provided by \_\_\_\_\_

(the municipality) for use by the purchaser;

• The municipally-owned golf course is located in a county with a minimum population of 2 million residents; and,

• Youth education programs are conducted on an ongoing basis at the municipally-owned golf course by a nonprofit organization exempt from federal income tax under 501(c)(3) of the Internal Revenue Code.

The undersigned understands that if the items purchased or leased do not qualify for exemption, or if the payment requirements listed above are not met, the undersigned will be subject to sales and use tax, interest, and penalties. Purchaser further understands that when any person shall fraudulently, for the purpose of evading tax, issue to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

\_\_\_\_\_

Purchaser's Name (Print or Type)

Date

\_\_\_\_\_

Signature

Title

\_\_\_\_\_

Name and address of Municipally-Owned Golf Course  
Municipality's Consumer's Certificate of Exemption Number

Transaction Authorization Number (Not necessary when selling dealer retains a copy of the municipality’s consumer’s certificate of exemption)

(5) Sales exempt based on the use of the property or services.

(a) through (b) No change.

(c) Selling dealers may contact the Department at ~~850-488-6800, Monday through Friday (excluding holidays), 1(800)352-3674~~ to verify the specific exemption specified by the purchaser. 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) 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), 212.07(1), 212.08(6), (7), 212.085, 212.18(2), (3), 212.21(2) FS. History—New 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, 2-17-15, 1-11-16, \_\_\_\_\_.

12A-1.044 Vending Machines.

(1) through (2) No change.

(3) Registration. Owners or operators of vending machines must obtain a separate Sales and Use Tax Certificate of Registration (Form DR-11) for each county in which the machines are located. One Sales and Use Tax Certificate of Registration is sufficient for all the owner’s or operator’s machines within a single county. See Rule 12A-1.060, F.A.C. Registration violations may be reported by calling 1(800)352-9273.

~~(4) Notice to be displayed on each vending machine; penalty and interest for failing to display notice.~~

~~(a) Before an operator may operate a food or beverage vending machine in this state, the operator must post a notice on each vending machine. Token machines are not considered to be vending machines which require a notice.~~

~~(b) The notice must contain the exact wording of the following statements in type that is not smaller than 14 point bold face, and the words “cash reward” must not be smaller than 30 point:~~

~~NOTICE TO CUSTOMER:~~

~~FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. Report any machine without a notice to 1(800)352-9273. You may be eligible for a CASH REWARD. DO NOT USE THIS NUMBER TO REPORT PROBLEMS WITH THE VENDING MACHINE SUCH AS LOST MONEY OR OUT OF DATE PRODUCTS.~~

~~(c) The notice must be displayed on the upper front of a vending machine, unless such placement impairs the use of the machine. If the notice cannot be placed on the upper front of the~~

~~vending machine, then the notice must be displayed on another place on the machine where it is easily readable by the public. The notice must be affixed to the machine so it is not easily removed.~~

~~(d) Any vending machine operator who fails to properly obtain and display the required notice on any vending machine is subject to the penalties and interest as provided in Section 212.0515(4), F.S.~~

(5) through (8) renumbered as (4) through (7), no change. Rulemaking Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), (14), (15), (16), (19), (24), 212.031, 212.05(1)(h), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.07(1), (2), 212.08(1), (7), (8), 212.11(1), 212.12(2), (3), (4), (9), 212.18(2), (3) FS. History—New 10-7-68, Amended 6-16-72, 1-10-78, 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, 6-19-01, 11-1-05, 1-12-11, 5-9-13, \_\_\_\_\_.

12A-1.060 Registration.

(1) No change.

(2) How to register as a dealer.

(a) Registration with the Department for the purposes of sales and use tax is available by using one of the following methods:

1. Registering through the Department’s ~~website~~ Internet site at the address shown in the parentheses ([www.floridarevenue.com](http://www.floridarevenue.com) [www.myflorida.com/dor/](http://www.myflorida.com/dor/)) using the Department’s “e-Services” ~~without payment of a registration fee; or~~

2. Filing a Florida Business Tax Application (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department, as indicated on the registration form, ~~with the required \$5 registration fee.~~

(b) through (c) No change.

(3) Registration of transient accommodations.

(a) through (d) No change.

(e) 1. through 4. No change.

5. ~~A \$5 registration fee must accompany Form DR-1C for each transient accommodation or time share unit that is not currently registered with the Department.~~ A certificate of registration will be issued to the property owner for each property that is not a time-share unit and mailed to the agent’s address. For time-share units, a certificate of registration will be issued and mailed to the agent or management company.

6. No change.

(4) through (5) No change.

Rulemaking Authority 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 119.071(5), 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History—New 10-7-68, Amended 1-7-70, 6-16-72, 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 8-1-02, 4-17-03, 6-12-03, 6-4-08, 9-1-09, 6-14-10, 6-28-10 (6), 6-28-10 (3), 7-28-15, \_\_\_\_\_.



12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (\*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~[www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms)~~; or, 2) calling the Department at ~~850-488-6800~~ ~~1(800)352-3671~~, Monday through Friday (excluding holidays), ~~8:00 a.m. to 7:00 p.m. (Eastern Time)~~; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(b) No change.

(2) through (3) No change.

(4)(a) No change.

Form Number	Title	Effective Date
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return	<del>01/18</del> <del>01/16</del>
(R.	<u>01/18</u>	<u>01/16</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-06359">http://www.flrules.org/Gateway/reference.asp?No=Ref-06359</a>		

(c) No change.

(5)(a) No change.

(b) DR-15N	Instructions for DR-15 Sales and Use Tax Returns	<del>01/18</del> <del>01/16</del>
(R.	<u>01/18</u>	<u>01/18</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-06360">http://www.flrules.org/Gateway/reference.asp?No=Ref-06360</a>		

(c) through (d) No change.

(e) DR- 15EZN	Instructions for DR-15EZ Sales and Use Tax Returns	<del>01/18</del> <del>01/16</del>
(R.	<u>01/18</u>	<u>01/16</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-06360">http://www.flrules.org/Gateway/reference.asp?No=Ref-06360</a>		

(5)(f) through (10) No change

(11) DR-46NT	Nontaxable Medical Items and General Grocery List	<del>01/18</del> <del>01/16</del>
(R.	<u>01/18</u>	<u>01/16</u>
<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-06368">http://www.flrules.org/Gateway/reference.asp?No=Ref-06368</a>		

(12) through (19) No change.

(20) DR-2 LLRP Florida Sales Tax Brackets on all Leases and Licenses of Real Property Transactions Taxable under Section 212.031(1)(c), Florida Statutes (R. 01/18)

<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), (2), (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, 1-11-16, 4-5-16, 1-10-17, 2-9-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

12A-1.070 Leases and Licenses of Real Property; Storage of Boats and Aircraft

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.070, F.A.C., is to implement statutory changes made by Chapter 2017-36, L.O.F., to the sales tax rate for certain leases of real property and to make technical changes to remove obsolete information.

SUMMARY: The proposed amendments incorporate the reduction of sales tax rate for certain leases and licenses to use real property.

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 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(10)(h), (i), (13), 212.03(6), 212.031 FS.

LAW IMPLEMENTED: 212.02(10)(h), (i), (13), 212.03(6), 212.031 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 8, 2017, 10:00 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 days before the workshop/meeting by contacting: Becky Avrett 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: Brinton Hevey, (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.070 Leases and Licenses of Real Property; Storage of Boats and Aircraft.

(1)(a) Every person who rents or leases any real property or who grants a license to use, occupy, or enter upon any real property is exercising a taxable privilege unless such real property is:

1. through 5.

6. a. through d. No change.

~~e. From July 1, 1990, through June 30, 1991, property used at an airport to operate advertising displays in any county as defined in Section 125.011(1), F.S., was exempt from tax.~~

7. No change.

~~8. Effective July 1, 1987, P~~property leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to Chapter 550, F.S. (dog and horse racing), or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility; however, licenses to use ~~for~~ such spaces are subject to sales tax have been taxable since July 1, 1986, and remain taxable.

9. No change.

(b)1. No change

~~2. However, effective July 1, 1987, a~~ A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall not be subject to the tax on any license to use such property. For purposes of this subparagraph, the term “sale” shall not include the leasing of tangible personal property.

3. No change.

~~(c) Effective July 1, 1987, R~~real property used as an integral part of the performance of qualified production services shall not be subject to tax. The term “qualified production services” means any activity or service performed directly in connection with the production of a qualified motion picture. The term “qualified motion picture” means all or any part of a series of related images, either on film, tape, or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom, as well as duplicates and prints thereof, and all sound recordings created to accompany a motion picture, which is produced, adapted, or altered for exploitation in, on, or through any medium or device and at any location, primarily for entertainment, commercial, industrial, or educational purposes and includes:

1. through 5. No change.

~~(d) The provisions of this rule relating to the license to use, occupy, or enter upon any real property are effective July 1, 1986, unless otherwise noted.~~

(e) through(f) redesignated(d) through (e) No change.

(2) through (3) No change.

(4)(a) No change.

(b) The tax shall be paid at the rate of 5.8. 5 percent ~~prior to February 1, 1988, and 6 percent on or after February 1, 1988,~~ on all considerations due and payable by the tenant or other person actually occupying, using, or entitled to use any real property to his landlord or other person for the privilege of use, occupancy, or the right to use or occupy any real property for any purpose. The amount of tax due must be calculated with the use of the applicable effective sales tax brackets (Form DR-2 LLRP, Florida Sales Tax Brackets Effective on all Leases and Licenses of Real Property Transactions Taxable Under Section

212.031(1)(c), Florida Statutes, incorporated by reference in Rule 12A-1.097, F.A.C.)

(c) through (d) No change.

(e) Utility charges paid by a tenant to the lessor for the privilege or right to use or occupy real property are taxable, unless the lessor has paid the sales tax to the utility company on such utilities consumed by the tenant, and the utilities billed by the lessor to the tenant are separately stated on the lessor's invoice to the tenant at the same or lower price as that billed by the utility company to the lessor.

1. Example: Landlord owns a building with 5 offices and common areas. All offices are the same size. Landlord uses one office and leases the other four. The lease agreement provides that the utility charges are "additional rent" and failure to pay such utility charges when required will cause the lease to terminate. All offices use approximately the same amount of utilities. Utility services are sold by City Utilities to Landlord. City Utilities' service bill to Landlord is as follows:

Electrical energy	\$1000.00
Gas energy	500.00
Gross Receipts Tax (\$1500 x 2.5%)	37.50
Subtotal – subject to sales tax	1537.00
Sewage & garbage service	100.00
Water service	50.00
Florida sales tax	92.50
Municipal utilities tax (\$1500 x 10%)	<u>150.00</u>
Total Amount Due	\$1929.75

Landlord charges each tenant \$2,000 rent, which includes the tenant's use of the common areas, in addition to the tenant's pro rata share of utilities, including sales tax on utilities, gross receipts tax on utilities and municipal utility tax based on Landlord's cost. Of the above total charges that add up to \$1,929.75, the charges for services of sewage, garbage, and water service are not utility service charges on which tax was paid by Landlord. Consequently, only the portion of each tenant's \$385.95 share of the total charge billed by City Utilities (\$1,929.75) which represents the tenant's share of non-taxable charges is taxable as rent. Therefore, the invoice to the tenant for the month should read:

Rent	\$2,000.00
Tenant's one-fifth share of charges for sewage, garbage, & water	30.00

Total subject to tax	\$2,030.00
Florida <del>(5.8%) (6%)</del> sales tax	<u>117.74</u> <del>121.80</del>
Reimbursement for one-fifth share of utilities on which tax was paid by Landlord	<u>55.95</u>
Total Amount Due	<u>\$2,503.69</u>
	<del>2,507.75</del>

2. Example: Same facts as above, except Landlord marks up the total of City Utilities' service bill by 10 percent, resulting in a total charged to the tenants for utilities of \$2,122.73, instead of the \$1,929.75 actually paid by Landlord for the utilities. Thus each tenant's one-fifth share of utilities would be \$424.55, instead of \$385.95. Again, if Landlord separately states the utility charges on the tenant's invoice, Landlord should compute the tax as follows:

	Rent \$2,000.00
Tenant's share of utilities not taxed (total utilities \$424.55, less utilities on which Landlord paid tax \$355.95)	68.60
Total subject to tax	\$2,068.60
Florida <del>(5.8%) (6%)</del> sales tax	<u>119.94</u>
	<del>124.12</del>
Reimbursement for one-fifth share of utilities on which tax was paid by lessor	<u>355.95</u>
Total Amount Due	<u>\$2,544.49</u>
	<del>2,548.67</del>

However, where a landlord marks up the utilities, in addition to the sales tax being due, gross receipts tax, at the rate of 2.5 percent, would also be due on the marked-up portion, pursuant to Section 203.01, F.S.

(f) through (g)

(5) through (7) No change.

(8) When a tenant (lessee) or other person occupying, using, or entitled to use any real property (licensee) sublets or assigns some portion of the leased or licensed property, he may take credit on a pro rata basis for the tax that he paid to his landlord or other such person on the space that he subleases or assigns. Proration shall be computed on square footage or some other basis acceptable to the Executive Director or the Executive Director's designee in the responsible program. For example, Tenant leases 200 square feet of floor space for \$400 and pays Landlord \$23.20 ~~24~~ rental tax. Tenant subleases 100 square feet, or one half, of the space to Subtenant for \$300 and collects \$ 17.40 ~~18~~ tax which he remits to the State, less a credit of \$11.60 ~~12~~ for tax that he paid to his landlord on the space that he subleased to Subtenant. (One half of \$400 is \$200 and 5.8 ~~6~~ percent of this amount is \$11.60 ~~12~~.)

(9) No change.

(10) When the owner of a business, or the operator of a business who is a lessee or licensee, provides floor space to any person, and in addition thereto and in connection therewith also provides certain services to such person such as display, delivery, wrapping, packaging, telephone, credit, collection, or accounting, the amount charged by the lessee or licensee to such person constitutes the lease or rental of or license to use or occupy real property and where the charges for such services are not separately stated in the agreement and on the invoices or other billings, the total consideration paid under the agreement is taxable. ~~Prior to July 1, 1987, and on or after January 1, 1988, W~~where the charges for such services are separately stated in the agreement and on the invoices or other billings, only those charges for floor space are taxable. When the operator of a business is a lessee or licensee, he may take credit in accordance with the provisions of subsection (8) of this rule, for the tax paid on the floor space which he subleases or assigns.

(11) through (16) No change.

~~(17)(a) Prior to July 1, 1987, when a lessee or licensee was required under the terms of his lease or license fee arrangement to make payments to a merchants' association or to the lessor or other person receiving the rent or payment, by the rental or license fee arrangement, to be transmitted without deduction therefrom to a merchants' association, such payments were not rent and were exempt. "Merchants' association" means a corporation not for profit organized and existing for the sole and exclusive purpose of promoting the businesses of a group of merchants.~~

~~(b) Effective July 1, 1987, such P~~payments to a merchants' association by a lessee or licensee shall be taxable if the payments are a part of the consideration for the right to use or occupy the real property. If the payments are not part of the consideration for the right to use or occupy the real property, such payments are not taxable.

(18) through (22) No change.

(23) The applicable tax rate for rental payments made by a tenant is based on the date that the tenant occupies or is entitled to occupy the property. The applicable tax rate may not be avoided by delaying or prepaying rent or license fee payments.  
 Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(h), (i), (13), 212.03(6), 212.031 FS. History—New 10-7-68, Amended 2-8-69, 10-7-69, 6-16-72, 9-26-77, 10-18-78, 12-31-81, 7-20-82, Formerly 12A-1.70, Amended 1-2-89, 3-27-95, 7-17-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Brinton Hevey  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-1.087  
 RULE TITLE: 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., is to incorporate legislative changes in Section 212.08(5)(a), F.S., provided by Section 26, Chapter 2017-36, Laws of Florida. The new exemption created in that section allows for the exempt sale of certain animal and aquaculture health products. The rule change provides a suggested certificate to document an exempt sale.

SUMMARY: The proposed amendments provide guidance for those wishing to take advantage of the new exemption for certain animal and aquaculture health products.

**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 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), 212.08(3), (5)(a), (e), (7)(jjj)(kkk), 212.085 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 8, 2017, 11:00 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 days before the workshop/meeting by contacting: Becky Avrett 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: Brinton Hevey at (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) through (9) No change.
- (10) Suggested Exemption Certificate for Items Used for Agricultural Purposes.
- (a) through (d) No change.

(e) Selling dealers may contact the Department at (850)488-6800, Monday through Friday (excluding holidays) ~~1(800)352-3674~~ to verify the specific exemption specified by the purchaser or lessee. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(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. For an aquaculture health product, the purchaser may use the suggested purchaser's exemption certificate below, or provide a copy of the aquaculture producer's Aquaculture Certification from the Florida Department of Agriculture and Consumer Services to the selling dealer.

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.
- Animal health product that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, as provided in Section 212.08(5)(a), F.S.
- Aquaculture health product to prevent or treat fungi, bacteria, and parasitic diseases, as provided in Section 212.08(5)(a), F.S. I certify that I am engaged in the production of aquaculture products and certified under s. 597.004, 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 Section 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 Section 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 Section 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 Section 570.02(1), F.S.

( ) 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 850-488-6800, Monday through Friday (excluding holidays), 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 \_\_\_\_\_

(g) The following is a suggested format of an exemption certificate to be issued by any person purchasing a trailer qualifying for a partial exemption under Section 212.08(3)(b), F.S. The Department does not furnish the printed exemption certificate to be executed by purchasers when purchasing trailers qualifying for the partial exemption.

SUGGESTED EXEMPTION CERTIFICATE

FARM TRAILERS WEIGHING

12,000 POUNDS OR LESS

This is to certify that the trailer described below, purchased on or after \_\_\_\_\_(date)

from \_\_\_\_\_(Selling Dealer's Business Name) is purchased by a farmer in accordance with Section 212.08(3)(b), F.S., for exclusive use in agricultural production or to transport farm products from his or her farm to the place where the farmer transfers ownership of the farm products to another.

DESCRIPTION OF TRAILER INCLUDING WEIGHT:

\_\_\_\_\_  
\_\_\_\_\_

Note: Any portion of the sales price in excess of \$20,000.00 is subject to sales tax. I understand that if I use the equipment for any purpose other than the one stated, I must pay tax on the initial \$20,000 of the purchase price of the trailer 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 850-488-6800, Monday through Friday (excluding holidays) 1(800)352-3671.

Purchaser's Name

Purchaser's Address

\_\_\_\_\_  
Name and Title of Purchaser's Authorized Representative

\_\_\_\_\_  
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 \_\_\_\_\_

(11) Postharvest Machinery and Equipment.

(a) through (b) No change.

(c) Suggested Exemption Certificate for Postharvest Machinery and Equipment.

1. through 3. No change.

4. Selling dealers may contact the Department at (850)488-6800, Monday through Friday (excluding holidays) ~~4(800)352-3671~~ to verify the specific exemption specified by the purchaser or lessee. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

5. No change.

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), 212.08(3), (5)(a), (e), (7)(jjj)~~(kkk)~~, 212.085, 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, 1-11-16, 1-10-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:        RULE TITLE:

12A-12.003        Registration

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12A-12.003, F.A.C., is to bring the rule into compliance with statutory changes made in Section 29 of Chapter 2017-36, L.O.F., which eliminated the \$5.00 registration fee required of persons that submit a Florida Business Tax Application (Form DR-1).

SUMMARY: The proposed amendments incorporate the elimination of the \$5 application fee for the Florida Business Tax Application form

**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 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), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 212.18(3), 403.718, 403.7185 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 8, 2017, 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 days before the workshop/meeting by contacting: Becky Avrett 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: Brinton Hevey at (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-12.003 Registration.

(1)(a) No change

(b) Registration with the Department for purposes of making retail sales of new motor vehicle tires or lead-acid batteries is available by using one of the following methods:

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

2. Filing a Florida Business Tax Application (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.),<sub>2</sub> with the Department, as indicated on the registration form, ~~with the required \$5.00 application fee.~~

(c) through (d) No change.

(2) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 212.18(3), 403.718, 403.7185 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 4-2-00, 4-17-03, 11-6-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

12A-15.014 Transition Rule

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.014, F.A.C., is to implement statutory changes made by Chapter 2017-36 L.O.F., and to bring the sales tax rate for electricity into compliance with current law.

SUMMARY: The proposed amendments incorporate the reduction of the sales tax rate for certain leases and licenses to use real property provided by section 21 of Chapter 2017-36 L.O.F., and bring the sales tax rate for electricity into compliance with current law.

**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 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: 212.05(1), 212.054, 212.055, 212.06(10) 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 8, 2017, 10:00 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: Becky Avrett 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: Brinton Hevey at (850)717-7082

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12A-15.014 Transition Rule.

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

(2) Commercial Rentals. Prepayments of rents to avoid increased tax rate are prohibited. Tenants with leases in effect prior to the effective date of any such surtax which provide for payments to be made on and after the effective date of any such surtax, cannot avoid tax by prepaying rent prior to the effective date of the surtax. Commercial rentals will be taxed at 5.8 % ~~6%~~ plus the surtax rate for all rentals due on or after the effective date of any such surtax.

(3) Electric Utilities; Natural or Manufactured Gas; Fuel Oil.

(a) Electric utilities and sellers of gas and fuel oil normally bill their customers after the period of service. The 6.95% ~~7%~~ tax rate plus the surtax rate will apply to billing cycles, which includes services billed for cycles ending on or after the effective date of any such surtax.



1. through 2. No change.

(b) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.054, 212.055, 212.06(10) FS. History—New 12-11-89, Amended 11-16-93, 3-20-96, 10-2-01, 4-17-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

12A-16.004 Registration

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12A-16.004, F.A.C., is to implement statutory changes made by Chapter 2017-36, L.O.F., by removing the reference to a registration fee.

SUMMARY: The proposed amendments incorporate the elimination of certain registration fees.

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 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: 212.0606, 212.18(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 8, 2017, 9:00 am

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: Becky Avrett 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: Brinton Hevey, (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.004 Registration.

(1) No change.

(2)(a) Registration with the Department for purposes of leasing or renting any for hire passenger motor vehicle is available by using one of the following methods:

1. Registering through the Department’s website, ~~Internet site at the address shown in the parentheses (www.floridarevenue.com www.myflorida.com/dor)~~, using the Department’s “e-Services” ~~without payment of a registration fee; or~~

2. Filing a Florida Business Tax Application (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration form, ~~with the required \$5.00 application fee.~~

(b) through (c) No change.

(3) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.18(3) FS. History—New 11-14-89, Amended 8-10-92, 3-21-95, 6-19-01 4-17-03, 11-6-07,\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-19.100  
 RULE TITLE: Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.100, F.A.C., is to adopt, by reference, changes to forms used to report the Florida communications services tax. These changes are limited to annual tax rate adjustments for local jurisdictions and formatting changes.

**SUMMARY:** The proposed amendments incorporate 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 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), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

**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 8, 2017, 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: Becky Avrett 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:** Brinton Hevey

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12A-19.100 Public Use Forms.

(1)(a) No change.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's website ~~Internet site~~ at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/forms~~; or, 2) calling the Department at (850)488-6800 ~~1(800)352-3674~~, Monday through Friday ~~(excluding holidays), 8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331 or (850)922-1115.

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

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/18	January 2018 -	January 1, 2018 -
01/17	January 2017 - <u>December 2017</u>	January 1, 2017 - <u>December 31, 2017</u>
07/16	July 2016 - December 2016	July 1, 2016 - December 31, 2016
01/16	January 2016 - June 2016	January 2016 - June 30, 2016
07/15	July 2015 - December 2015	July 1, 2015 - December 31, 2015
01/15	January 2015 - June 2015	January 1, 2015 - June 30, 2015
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 – December 2010	August 1, 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 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 –

		September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001
Form Number	Title	Effective Date
(3) No change		
(4)(a) DR-700016	Florida Communications Services Tax Return (R. 01/18 47) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-07758">http://www.flrules.org/Gateway/reference.asp?No=Ref-07758</a> )	01/18 47
(4)(a) through (nn) are re-designated (b) through (oo) No change.		
(5) DR-700019	Communications Services Use Tax Return (R. 01/18 07747) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-07759">http://www.flrules.org/Gateway/reference.asp?No=Ref-07759</a> )	01/18 47
(6) through (13) No change.		

Rulemaking Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.22(6)(a), 202.26(3)(a), (c), (d), (e), (j), 202.27(1), (7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10 (3), 6-28-10 (5), 2-7-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-20-15, 1-11-16, 1-10-17,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey, (850) 717-7082

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12B-5.030	Importers
12B-5.040	Carriers
12B-5.050	Terminal Suppliers
12B-5.060	Wholesalers
12B-5.070	Terminal Operators
12B-5.080	Exporters
12B-5.110	Blenders
12B-5.120	Resellers and Retail Dealers
12B-5.150	Public Use Forms
12B-5.300	Aviation Fuel Licensees
12B-5.400	Producers and Importers of Pollutants

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rules 12B-5.030, 12B-5.040, 12B-5.050, 12B-5.060, 12B-5.070, 12B-5.080, 12B-5.110, 12B-5.300, and 12B-5.400, F.A.C., is to implement statutory changes made by Chapter 2017-36, L.O.F., which removed certain application and annual renewal license fees.

In addition, proposed amendments to Rules 12B-5.030, 12B-5.040, 12B-5.050, 12B-5.060, 12B-5.070, 12B-5.080, and 12B-5.110, update contact information for the Department.

Rules 12B-5.050 and 12B-5.070, F.A.C., require all terminal suppliers to submit the Terminal Supplier Fuel Tax Return electronically by electronic data interchange. The Department is implementing an extensible markup language (XML) system as a means to allow terminal suppliers to submit the report electronically. The purpose of the additional proposed amendments to Rules 12B-5.050 and 12B-5.070, F.A.C, is to incorporate the Department’s XML remittance system.

The purpose of the proposed amendments to Rule 12B-5.120, F.A.C., is to incorporate statutory elimination of the \$5.00 registration fee required of persons that submit a Florida Business Tax Application (Form DR-1), as provided in Section 29 of Chapter 2017-36, L.O.F.

The purpose of the amendments to Rule 12B-5.150, F.A.C., is to adopt, by reference, changes to forms used by the Department in the administration of the tax on motor fuels, diesel fuels, aviation fuels, pollutants, and natural gas fuel. These changes include removal of references to the \$30 application and annual renewal motor fuel tax license fees, the removal of a \$2 motor fuel tax refund processing fee, and the removal of the \$5 application and annual renewal license fee required of applicants for a retailer of natural gas license, as eliminated by Chapter 2017-36, L.O.F.

**SUMMARY:** These changes to rules and forms used in the administration of Fuels, Pollutants, and Natural Gas Taxes remove references to repealed fees and incorporate a new method for terminal suppliers to remit electronic returns to the Department.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

**RULEMAKING AUTHORITY:** 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 206.97, 206.9915, 212.17(6), 212.18(2), 212.18(3), 213.06(1), 213.755(8), 376.70(6)(b) FS.

**LAW IMPLEMENTED:** 119.071(5), 206.01, 206.02, 206.021, 206.022, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.051, 206.052, 206.054, 206.09, 206.095, 206.11, 206.199, 206.20, 206.204, 206.205, 206.404, 206.41, 206.413, 206.414, 206.416, 206.43, 206.44, 206.48, 206.485, 206.62, 206.63, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9915, 206.9941, 206.9942, 206.9825, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943 , 212.0501, 213.255, and 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 8, 2017, 9:00 a.m.  
**PLACE:** 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Brinton Hevey at (850) 717-7082

**THE FULL TEXT OF THE PROPOSED RULE IS:**

- 12B-5.030 Importers.
- (1) No change.
- (2)Licensing and Bonding
- (a) Licensing.

1. through 3. No change.

4. Forms DR-600 and DR-654 may be obtained from the Department by: 1) calling the Department at ~~(850)488-6800~~ ~~4(800)352-3671~~, Monday through Friday (excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

5. No change.

~~6. Each initial and renewal application must be accompanied by a \$30 license tax.~~

(b) through (c) No change.

(5) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01(3), 206.02, 206.026, 206.027, 206.028, 206.03, 206.05, 206.051, 206.054, 206.43, 206.48(2), 206.485, 206.9835, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, \_\_\_\_\_.

12B-5.040 Carriers.

(1) Licensing.

(a) No change.

(b) 1. through 3. No change.

4. Form DR-654 may be obtained from the Department by: 1) calling the at Department at ~~(850)488-6800~~ ~~4(800)352-3671~~, Monday through Friday (excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. 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) No change.

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

(2) through (3) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 206.9915, 213.06(1), 213.755(8) FS. Law Implemented 206.021, 206.09, 206.199, 206.20, 206.204, 206.205, 206.485, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 5-1-06, 6-1-09, 1-25-12, 7-28-15, \_\_\_\_\_.

12B-5.050 Terminal Suppliers.

(1) No change.

(2) Licensing and Bonding.

(a) Licensing.

1. through 4. No change.

5. Forms DR-600 and DR-654 may be obtained from the Department by: 1) calling the Department at ~~(850)488-6800~~ ~~(800)352-3671~~, Monday through Friday (excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

6. No change.

~~7. Each initial or renewal application must be accompanied by a \$30 license tax.~~

8. through 9., renumbered 7. through 8. No change.

(b) No change.

(3) through (4) No change.

(5) Returns and Payments.

(a) Returns. All terminal suppliers that sell gasoline, gasohol, diesel, or aviation fuel are required to report all taxes imposed by Chapter 206, F.S., on a Terminal Supplier Fuel Tax Return (Form DR-309631, incorporated by reference in Rule 12B-5.150, F.A.C.) , electronically with the Department, as provided in Rule Chapter 12-24, F.A.C. The electronic return must be submitted by electronic data interchange, as provided in the Florida Department of Revenue Motor and Other Fuel Fuels Taxes EDI Technical Implementation Guide —ANSI ASC X12 V.4030 (Form DR-309650, incorporated by reference in Rule 12B-5.150, F.A.C.), or by Extensible Markup Language, as provided in the Motor and Other Fuel Taxes XML User Guide for e-file Developers and Transmitters (Form DR-309652, incorporated by reference in Rule 12B-5.150, F.A.C.).

The electronic return must be filed on or before the 20th day of each month for transactions occurring during the previous month. To be timely, the electronic return must be received by the Department or its agent before 5:00 p.m. (Eastern Time), on or before the 20th day of each month. For terminal suppliers who are authorized to submit Form DR-309631 by hard copy, the return will be accepted as timely if postmarked or delivered to the Department on or before the 20th day of each month. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if an electronic return is received by the Department or its agent on or before 5:00 p.m. (Eastern Time), or a hard-copy return, when permitted, is postmarked or delivered to the Department on the next succeeding day that is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) through (c) No change.

(6) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01, 206.02, 206.05, 206.41, 206.413, 206.414, 206.43, 206.48, 206.485, 206.62, 206.63, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.97, 206.9815, 206.9941, 206.9942, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, 7-28-15, \_\_\_\_\_.

12B-5.060 Wholesalers.

- (1) No change.
- (2) Licensing and Bonding.
- (a)1. through 3. No change.

4. Forms DR-600 and DR-654 may be obtained from the Department by: 1) calling the Department at (850)488-6800 ~~4(800)352-3674~~, Monday through Friday(excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

5. No change.

~~6. Each initial and renewal application must be accompanied by a \$30 license tax.~~

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

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS. Law Implemented 206.01(4), 206.02, 206.05, 206.404, 206.43, 206.48, 206.485, 206.86, 206.90, 206.91, 206.9825, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, 1-20-14, 7-28-15,\_\_\_\_\_.

12B-5.070 Terminal Operators.

- (1) Licensing.
- (a) No change.
- (b)1. through 3. No change.

4. Form DR-654 may be obtained from the Department by: 1) calling the Department at (850)488-6800 ~~4(800)352-3674~~, Monday through Friday(excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. 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) No change.

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

(2) Information Returns.

All terminal operators who operate terminals in this state are required to file a Terminal Operator Information Return (Form DR-309636, incorporated by reference in Rule 12B-5.150, F.A.C.), electronically with the Department, as provided in Rule Chapter 12-24, F.A.C. The electronic return must be submitted by electronic data interchange, as provided in the Florida Department of Revenue Motor and Other Fuel Fuels Taxes EDI Technical Implementation Guide —ANSI ASC X12 V.4030 (Form DR-309650, incorporated by reference in Rule 12B-5.150, F.A.C.), or by Extensible Markup Language, as provided in the Motor and Other Fuel Taxes XML User Guide for e-file Developers and Transmitters (Form DR-309652, incorporated by reference in Rule 12B-5.150, F.A.C.). The

electronic return must be filed on or before the 20th day of each month for transactions occurring during the previous month. A separate return is required for each terminal location. To be timely, the electronic return must be received by the Department or its agent before 5:00 p.m. (Eastern Time), on or before the 20th day of each month. For terminal operators who are authorized to submit Form DR-309636 by hard copy, the return will be accepted as timely if postmarked or delivered to the Department on or before the 20th day of each month. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if an electronic return is received by the Department or its agent on or before 5:00 p.m. (Eastern Time), or a hard-copy return, when permitted, is postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday will mean a holiday that is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS. Law Implemented 206.01(19), 206.022, 206.095, 206.485, 206.872, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 5-1-06, 6-1-09, 1-25-12, 7-28-15,\_\_\_\_\_.

12B-5.080 Exporters.

- (1) No change.
- (2) Licensing and Bonding.
- (a) No change.
- (b)1. through 3. No change.

4. Forms DR-600 and DR-654 may be obtained from the Department by: 1) calling the Department at (850)488-6800 ~~4(800)352-3674~~, Monday through Friday(excluding holidays); ~~8:00 a.m. to 7:00 p.m., Eastern Time~~; or, 2) visiting any local Department of Revenue Service Center. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

5. No change.

~~6. Each initial or renewal application must be accompanied by a \$30 license tax.~~

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

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01(21), 206.02, 206.03, 206.04, 206.05, 206.051, 206.052, 206.41, 206.416, 206.43, 206.48, 206.485, 206.62, 206.87, 206.90, 206.91, 206.97, 206.9915, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, 1-20-14, 7-28-15,\_\_\_\_\_.

12B-5.110 Blenders.

- (1) No change
- (2) Licensing
- (a) 1. through 3. No change.

4. Forms DR-600 and DR-654 may be obtained from the Department by: 1) calling the Department at ~~(850)488-6800~~ ~~+(800)352-3674~~, Monday through Friday (excluding holidays); 8:00 a.m. to 7:00 p.m., Eastern Time; or, 2) visiting any local Department of Revenue Service Center. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

~~5. Each initial or renewal application must be accompanied by a \$30 license tax.~~

- (b) No change.
- (3) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.02(3), 206.48(1), 206.485, 206.86(5), 206.87(2)(e), 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, 7-28-15,\_\_\_\_\_.

12B-5.120 Resellers and Retail Dealers.

- (1) No change.
- (2)(a) Registration with the Department for purposes of sales and use tax is available by using one of the following methods:

1. Registering through the Department’s ~~website Internet site at the address shown in the parentheses (~~ [www.floridarevenue.com](http://www.floridarevenue.com) ~~http://www.myflorida.com/dor)~~ using the Department’s “e-Services” ~~without payment of a registration fee; or~~

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

- (b) No change.

Rulemaking Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.404, 206.41(5), 206.414, 206.43, 206.44, 206.86, 212.18(3) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06,\_\_\_\_\_.

12B-5.150 Public Use Forms.

- (1)(a) No change.
- (b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s ~~website Internet site at~~ [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/forms~~; or, 2) calling the Department at ~~(850)488-6800~~ ~~+(800)352-3674~~, Monday through Friday (excluding holidays); 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida

32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

Form Number	Title
	Effective Date
(2) DR-138 Application for Fuel Tax Refund – Agricultural,	<u>01/18 01/13</u>
Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/18 01/13</u> )	

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02121>)

(3) DR-156 Florida Fuel or Pollutants Tax Application	<u>01/18 01/17</u>
	(R. <u>01/18 01/17</u> )

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07760>)

(4) DR-156R Renewal Application for Florida Fuel/Pollutant	<u>01/18 01/14</u>
License (R. <u>01/18 10/13</u> )	

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03579>)

(5) through (9) No change .	
(10) DR-160 Application for Fuel Tax Refund – Mass Transit	<u>01/18 01/13</u>
System Users (R. <u>01/18 01/13</u> )	

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02122>)

(11) DR-176 Application for Air Carrier Fuel Tax License	<u>01/18 01/16</u>
(R. <u>01/18 01/16</u> )	

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06331>)

(12) through (13) No change.	
(14) DR-189 Application for Fuel Tax Refund – Municipalities,	<u>01/18 01/13</u>
Counties and School Districts (R. <u>01/18 01/13</u> )	

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02124>)

(15) DR-190 Application for Fuel Tax Refund – Non-Public Schools (R. <u>01/18 01/13</u> )	
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(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02125>)

(16) through (35) No change.

(36) DR-309660 Application for Pollutants Tax Refund  
(R. ~~01/18 01/13~~) 01/18 01/13

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02148>)

(37) DR-309650 Motor and Other Fuel Taxes Fuels EDI  
Technical 01/18 07/15  
Implementation Guide (~~ANSI ASC X12 V.4030~~)  
(R. ~~01/18 July 2015~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-05602>)

(38) DR-309652 Motor and Other Fuel Taxes XML User  
Guide For 01/18

e-file Developers and Transmitters  
(<http://www.flrules.org/Gateway/reference.asp?No=Ref->

[\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-))  
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, 1-11-16, 1-10-17,\_\_\_\_\_.

12B-5.300 Aviation Fuel Licensees.

(1) through (8) No change.

(9)(a)1. through 3. No change.

~~4. Each initial or renewal application must be accompanied  
by a \$30 license fee.~~

(9)(b) through (c) 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, 1-11-16,  
1-10-17,\_\_\_\_\_.

12B-5.400 Producers and Importers of Pollutants.

(1) through (2) No change.

(3) Licensing and Bonding.

(b)1. through 2. No change.

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

(c) through (e) No change.

(4) through (7) No change.

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law  
Implemented 206.9915, 206.9925, 206.9931, 206.9935, 206.9941,  
206.9942, 206.9943, 213.755 FS. History—New 11-21-96, Amended  
10-27-98, 5-1-06, 6-1-09, 1-25-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: September 5, 2017

**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., is to adopt, by  
reference, changes to five forms used in the administration of  
insurance premium taxes, fees, and surcharges.

SUMMARY: The proposed amendments incorporate revisions  
to the forms used to administer the remittance of 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  
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 F.S.

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 8, 2017, 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: Becky Avrett 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: Brinton Hevey, (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) No change.

(2) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's ~~website Internet site~~ at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~myflorida.com/dor/forms~~; or, 2) calling the Department at (850)488-6800 ~~1(800)352-3674~~, Monday through Friday (excluding holidays), ~~8:00 a.m. to 7:00 p.m. (Eastern Time)~~; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(3) No change.

Form Number Title  
 Effective Date

(4)(a) DR-907 Florida Insurance Premium Installment  
 01/18 ~~01/16~~  
 Payment (R. 01/18 ~~16~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06336>)

(b) DR-907N Instructions for Filing Insurance Premium Installment 01/18 ~~01/16~~  
 Payment (Form DR-907) (R. 01/18 ~~0116~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06336>)

(5)(a) DR-908 Insurance Premium Taxes and Fees Return for 01/18 ~~01/17~~  
 Calendar Year ~~2017 2016~~ (R. 01/18 ~~17~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07762>)

(b) DR-908N Instructions for Preparing Form DR-908 Florida 01/18 ~~01/17~~  
 Insurance Premium Taxes and Fees Return (R. 01/18 ~~17~~)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07763>)

(6) DR-350900 ~~2017 2016~~ Insurance Premium Tax Information for 01/18 ~~01/17~~  
 Schedules XII and XIII, Form DR-908 (R. (R. 01/18 ~~17~~))

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07764>)

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, 1-11-16, 1-10-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2017

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:

12B-11.005 Registration

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-11.005, F.A.C., is to remove certain application fees, as provided by Chapter 2017-36, L.O.F., and to update contact information for the Department.

SUMMARY: The proposed amendments incorporate the elimination of registration fees for the Gross Receipts Tax on dry-cleaning facilities.

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

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

**RULEMAKING AUTHORITY:** 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS.

**LAW IMPLEMENTED:** 376.70(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 8, 2017, 9:00 am

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Brinton Hevey at (850)717-7082

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12B-11.005 Registration.

(1) No change.

(2)(a) Registration with the Department for purposes of the gross receipts tax on dry-cleaning facilities is available by using one of the following methods:

1. Registering through the Department’s website, ~~Internet site at the address shown in the parentheses ([www.floridarevenue.com](http://www.floridarevenue.com) [www.myflorida.com/dor](http://www.myflorida.com/dor))~~ using the Department’s “e-Services” ~~without payment of a registration fee;~~ or

2. Filing a Florida Business Tax Application (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the form, ~~with the required \$30 registration fee.~~

(b) No change.

(3) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), 376.70(6)(b) FS. Law Implemented 376.70(2) FS. History—New 2-19-95, Amended 6-19-96, 4-17-03, 6-28-05, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Brinton Hevey

**NAME OF AGENCY HEAD WHO APPROVED THE**

**PROPOSED RULE:** Governor and Cabinet

**DATE PROPOSED RULE APPROVED BY AGENCY**

**HEAD:** October 17, 2017

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT**

**PUBLISHED IN FAR:** September 5, 2017

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

**RULE NOS.:** RULE TITLES:

12C-1.0222 Returns; Extensions of Time; Payments of Tentative Tax

12C-1.034 Special Rules Relating to Estimated Tax

12C-1.051 Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rules 12C-1.0222 and 12C-1.034, F.A.C., is to implement statutory changes made by Chapter 2017-36, L.O.F., which amended provisions in Chapter 220, F.S., to conform the timing of filing returns, making payments, and filing declarations to related timing provisions at the federal level.

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

**SUMMARY:** The proposed amendments restore the six-month extension of time to file the Florida corporate income tax return for calendar year filers; conform the timing of filing returns, making payments, and filing declarations to federal provisions; provide payment deadlines for estimated tax payments; and implement changes to corporate income 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 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), 220.24, 220.32(2), 220.34(2)(f), (3), 220.34(3), 220.51, 220.192(7), 220.193(4), 220.196(4), 1002.395(13) FS.

LAW IMPLEMENTED: 119.071(5), 212.08(5)(p), 213.21, 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.131, 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 8, 2017, 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: Becky Avrett 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: Brinton Hevey at (850)717-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.0222 Returns; Extensions of Time; Payments of Tentative Tax.

- (1) No change.
- (2) Requests for Extensions of Time to File Return.
  - (a)1. For taxable year ends other than June 30, an extension will be effective until six (6) months after the original due date

~~of the return. For taxpayers with a taxable year ending December 31, an extension of the due date of any required Florida corporate income/franchise tax return will be effective until five (5) months after the original due date of the return. For taxpayers with a taxable year ending June 30, an extension will be effective until seven (7) months after the original due date of the return. For taxable year ends other than December 31 and June 30, an extension will be effective until six (6) months after the original due date of the return.~~

2. An extension of the due date of any required Florida partnership information return will be effective until six (6) months after the original due date of the return.

3. If an automatic extension is not permitted because a federal extension has not been requested or is not allowed, the application for extension of time to file a return must contain sufficient facts to establish good cause why the return cannot be filed on or before the original due date. An extension of time for filing a return does not operate as an extension of time for payment of the tax or any part thereof.

- ) No change.
- (3) Extended Return Due Dates.
  - (a) No change.
  - (b) The aggregate amount of time of extensions for a return cannot exceed six (6) months, unless the exception ~~exceptions~~ specified in paragraph (2)(a) of this rule applies ~~apply~~. No further extensions are allowed.

1. For a corporation whose taxable year ends December 31, a required Florida corporate income/franchise tax return is due May 1 of the following year. ~~When a taxpayer is granted an extension of time to file its federal income tax return, the extended due date for the federal return is September 15. When the requirements of this rule are met, and the corporation is granted an extension of time to file its Florida corporate income/franchise tax return, the extended due date for the Florida return is November ~~October~~ 1.~~

2. A partnership whose taxable year ends on December 31, will be granted an extension of time from April 1 to October 1 to file its Florida partnership information return when all the requirements for an extension of the due date of a return provided in this rule are met.

- (c) No change.
- Rulemaking Authority 213.06(1), 220.32(2), 220.51 FS. Law Implemented 220.222, 220.32, 220.801 FS. History—New 10-20-73, Amended 10-8-74, 4-21-75, 3-5-80, 12-18-83, Formerly 12C-1.222, Amended 12-21-88, 12-19-89, 4-8-92, 3-18-96, 3-13-00, 3-15-04, 9-1-09, 1-10-17, \_\_\_\_\_.

- 12C-1.034 Special Rules Relating to Estimated Tax.
- (1) No change.
  - (2)(a) ~~For tax years that begin before January 1, 2017, a declaration of estimated tax must be filed before the first day of the fifth month of the taxable year, if the taxpayer can~~

~~reasonably expect before the first day of the fourth month to owe more than \$2,500 in tax for the taxable year.~~

~~(b)1-~~ Except for taxpayers with a June 30 taxable year end, a declaration of estimated tax ~~for tax years beginning on or after January 1, 2017,~~ must be filed before the first day of the sixth month of the taxable year, if the taxpayer can reasonably expect before the first day of the fourth month to owe more than \$2,500 in tax for the taxable year.

~~(b)2-~~ No change.

(c) Installment due dates that fall on a Saturday, Sunday, or legal holiday extend to the next business day, with the exception of installments due on the last day of June, which must be paid on or before the last Friday of June.

(d) For a list of deadlines for initiating electronic payments on time, visit [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms), select the e-Services section, and then select the current year *Florida e-Services Calendar of Due Dates* (Form DR-659).

(3) Reasonably Expect.

(a)1. through 2. No change.

3. A business is required to make a declaration of estimated tax by the date specified in subsection (2), even though income may not actually be earned until later in the taxable year. For example, a seasonal business that can reasonably expect before the first day of the fourth month ~~of a taxable year beginning on or after January 1, 2017,~~ to owe more than \$2,500 for the taxable year will be required to make a declaration of estimated tax before the first day of the sixth month of the taxable year (before the first day of the fifth month of the taxable year for a taxpayer with a June 30 taxable year end). Therefore, a Christmas shop with a taxable year ending January 31, 2018, will be expected to make a declaration before July 1, 2017 (the first day of the sixth month following the end of the taxable year) if the corporation reasonably expects to owe more than \$2,500 in tax for the tax year. It does not matter whether the corporation is making sales by that date or not.

(b) through (e) No change.

(4) through (7) No change.

(8) Overpayments of Estimated Tax.

(a) through (b) No change.

(c)1. No change.

2. Example: A calendar year taxpayer requested an extension of the filing date for the 2016 Florida corporate income/franchise tax return from May 1, 2017, until October 1, 2017. The first payment of estimated tax for the succeeding tax year is due May 31 ~~May 30,~~ 2017. The 2016 return is filed on September 29, 2017. If the taxpayer requested that the overpayment of estimated tax be applied to the next tax year, the overpayment is applied effective May 31 ~~May 30,~~ 2017.

(d) through (e) No change.

(9) Underpayment of estimated tax.

(a) No change.

(b)1. No penalty or interest will be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were the lesser of the following amounts:

a. through b. No change.

c.(I) No change.

(II) Example: A calendar year taxpayer remitted four estimated payments of \$16,000 each on May 31, 2017; June 30, 2017; September 30, 2017; and December 31, 2017. The taxpayer also made a \$15,000 contribution to an SFO and was issued a certificate of contribution on June 20, 2017, which generated a tax credit for the taxpayer. For the prior tax year ending December 31, 2016, corporate income tax of \$80,000 was due. Taxpayer's prior year exception computation is as follows:

Due dates of installments	(1st) 5/31/2017	(2nd) 6/30/2017	(3rd) 9/30/2017	(4th) 12/31/2017
Current year: Total cumulative amount paid (or credited) from the beginning of the taxable year through the installment date indicated	16,000.00	32,000.00	48,000.00	64,000.00
(a) Prior year exception: Tax on prior year's income using current year's rates	25% of tax 20,000.00	50% of tax 40,000.00	75% of tax 60,000.00	100% of tax 80,000.00
(b) Cumulative donations made to SFOs from the beginning of the taxable year through the installment date indicated. Certificate of contribution must be issued on or before installment due date.	0.00	0.00	15,000.00	15,000.00
(c) The prior year exception adjusted for the credit for contributions to SFOs per Section <u>1002.395(5)(g)</u> <del>1002.395(5)(f),</del>	20,000.00	40,000.00	45,000.00	65,000.00

F.S., equals (a) less (b)				
Installment meets prior year exception? To answer Yes, Current year must equal or exceed Prior year (c).	No	No	Yes	No

Taxpayer has met the prior year exception for the third installment through a combination of estimated payments and SFO credit so that estimated tax penalty and interest will not apply for the third installment.

(III) Example: A calendar year taxpayer remitted four estimated payments of \$10,000 each on May 31, 2017; June 30, 2017; September 30, 2017; and December 31, 2017. The taxpayer also made four \$10,000 contributions to an SFO and was issued certificates of contribution on May 31, 2017; June 30, 2017; September 30, 2017; and December 31, 2017. For the prior tax year ending December 31, 2016, corporate income tax of \$80,000 was due. Taxpayer’s prior year exception computation is as follows:

Due dates of installments	(1st) 5/31/2017	(2nd) 6/30/2017	(3rd) 9/30/2017	(4th) 12/31/2017
Current year: Total cumulative amount paid (or credited) from the beginning of the taxable year through the installment date indicated	10,000.00	20,000.00	30,000.00	40,000.00
(a) Prior year exception: Tax on prior year’s income using current year’s rates	25% of tax 20,000.00	50% of tax 40,000.00	75% of tax 60,000.00	100% of tax 80,000.00
(b) Cumulative donations made to SFOs from the beginning of the taxable year through the installment date indicated. Certificate of contribution must be issued on or before installment due date.	10,000.00	20,000.00	30,000.00	40,000.00
(c) The prior year exception adjusted for the credit for	10,000.00	20,000.00	30,000.00	40,000.00

contributions to SFOs per Section 1002.395(5)(g) <del>1002.395(5)(f)</del> , F.S., equals (a) less (b)				
Installment meets prior year exception? To answer Yes, Current year must equal or exceed Prior year (c).	Yes	Yes	Yes	Yes

Taxpayer has met the prior year exception for all four installments through a combination of estimated payments and SFO credit so that estimated tax penalty and interest will not apply to any of the four installments.

(9)(b)2.a. through (13) No change.

Rulemaking Authority 213.06(1), 220.24, 220.34(2)(f), 220.34(3), 220.51, 1002.395(13) FS. Law Implemented 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 1002.395 FS. History—New 10-20-72, Amended 10-20-73, 7-27-80, 12-18-83, Formerly 12C-1.34, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96, 3-13-00, 9-28-04, 7-28-15, 1-10-17, \_\_\_\_\_.

12C-1.051 Forms.

(1)(a) No change.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s website ~~Internet—site~~ at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) ~~www.myflorida.com/dor/forms~~; or, 2) calling the Department at (850)488-6800 ~~1(800)352-3671~~, Monday through Friday (excluding holidays), ~~8:00 a.m. to 7:00 p.m. (Eastern Time)~~; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

Form Number	Title	Effective Date
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(2) through- (3)  
No change

(4) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/18 04/17) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-07766">http://www.flrules.org/Gateway/reference.asp?No=Ref-07766</a> )	01/18 04/17
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(5)(a) No change

(b) F-1120N	F-1120 Instructions for— Corporate Income/Franchise Tax Return for taxable years beginning on or after January 1, 2017 2016 (R. 01/18 04/17)	01/18 04/17
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(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07768>)

(6) through (11)  
No change

(12) F-1196 Allocation for Research and Development 01/18 04/16  
Tax Credit for Florida  
Corporate Income/Franchise Tax (R.  
01/18 04/16)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06348>)

(13) F-2220 Underpayment of Estimated Tax on 01/18 04/17  
Florida Corporate Income/Franchise  
Tax (R. 01/18 04/17)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07770>)

(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, 220.19, 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, 1-11-16, 1-10-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: September 5, 2017

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES**

**Division of Driver Licenses**

RULE NO.:	RULE TITLE:
15A-5.001	Purpose
15A-5.0010	Definitions
15A-5.002	Procedure
15A-5.0021	Medical Review
15A-5.0022	Administrative Hearing Procedures
15A-5.004	Neurological Guidelines for Applicants with Seizures
15A-5.005	Loss of Consciousness
15A-5.006	Cardio Vascular Impairments
15A-5.008	Impairments of Memory or Judgment
15A-5.009	Musculoskeletal or Neuromuscular Impairments
15A-5.010	Severe Emotional and Mental Conditions
15A-5.011	Vision Standards
15A-5.012	Drug Addiction and Alcoholism

PURPOSE AND EFFECT: The purpose of this amendment is to update the rules in Chapter 15A-5, F.A.C.

SUMMARY: The rule is being amended to ensure all applicants and licensed drivers are given a fair and independent review regarding their physical and mental ability to safely operate a motor vehicle in Florida. The proposed changes add definitions to the rule, specify how reports of potentially at-risk applicants and licensed drivers are made and reviewed by the Department, provide for administrative review of determinations made by the Medical Advisory Board, and set our criteria regarding specific conditions that may affect an applicant or licensed driver's ability to safely operate a motor vehicle.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule, input from the affected industry, and the preliminary analysis conducted to determine whether a SERC was required.

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: 322.02(3), 322.02(6), 322.125(7), 322.126(1), FS.

LAW IMPLEMENTED: 120.53(1)(c), 120.62, 322.05(7), 322.05(10), 322.125(1), 322.125(2), 322.126(1), 322.221(2)(c), 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 9, 2017, 3:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B201, Tallahassee, Florida 32399.

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: Ray Graves, Bureau Chief, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, raygraves@flhsmv.gov, (850)617-2529. 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: Ray Graves, Bureau Chief, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, raygraves@flhsmv.gov, (850)617-2529.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 15A-5.001 Purpose.

These guidelines are used by the Medical Advisory Board of the Department of Highway Safety and Motor Vehicles for the purpose of guiding the Board's determination and assessment of the mental or physical deficits, ~~physical or emotional disabilities~~ affecting the ability of an applicant or licensed driver ~~a person~~ to safely operate a motor vehicle in those cases submitted to the Board for its review and recommendation. These guidelines will shall not be construed as limiting the exercise of the Board's discretion in recommending its position to the Department on any particular case, which will shall be based upon the professional judgment of the members.

Rulemaking Authority 322.02(6) ~~322.02(3)~~, 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), ~~120.62~~ FS. History—New 7-5-81, Amended, Formerly 15A-5.01.

#### 15A-5.0010 Definitions.

(1) Alcohol – Any substance containing one-half of one percent or more alcohol by volume including ethanol, methanol, propanol, isopropanol, non-alcoholic beer or wine, and over the counter products.

(2) Administrative Hearing – A proceeding before a Hearing Officer pursuant to Chapters 120 and 322, F.S.

(3) Applicant – An individual applying for a Florida driver license.

(4) Chairman – A licensed doctor of medicine who is employed by the Department and serves as the administrative officer of the Board.

(5) Deficit – Any impairment of physical or mental function that could affect an applicant or licensed driver's ability to safely operate a motor vehicle.

(6) Denial – When a driving privilege is withheld for a specific period of time or indefinitely.

(7) Department – The Department of Highway Safety and Motor Vehicles acting directly or through its duly authorized representatives.

(8) Disorder – Any physical or mental condition that can cause deficits.

(9) Driver License – Has the same meaning as set forth in Section 322.01, F.S.

(10) Drugs – Any drug classified as a controlled substance under Title 21 U.S.C. s. 802(6), as of 10/01/2017, [hyperlink], herein incorporated by reference, Schedules I-V of Title 21 C.F.R. part 1308, as of 10/01/2017, [hyperlink], herein incorporated by reference, or Chapter 893, F.S.

(11) Executive Director – The Executive Director of the Department of Highway Safety and Motor Vehicles.

(12) Extended Driving Test – Three driving tests given consecutively with the same examiner/agent. Failing any part of the extended driving test constitutes a failure of the extended driving test.

(13) Eye Specialist – A licensed optometrist or ophthalmologist.

(14) Final Order – A written final decision by the Executive Director, or designee, that is the result of a proceeding pursuant to Chapters 120 and 322, F.S.

(15) Hearing Officer – A Department employee designated to conduct any proceeding pursuant to Chapters 120 and 322, F.S.

(16) Medical Advisory Board (Board) – Has the same meaning as set forth in Section 322.125, F.S.

(17) Motor Vehicle – Has the same meaning as set forth in Section 322.01, F.S.

(18) Recommended Order – The official recommendation of a Hearing Officer for the final disposition of a proceeding under Chapters 120 and 322, F.S.

Rulemaking Authority 322.02(6), 322.125(7) FS. Law Implemented 322.01, 322.08, 322.125, 322.126, 120.52, 120.80(8) FS. History—New \_\_\_\_\_.

15A-5.002 Report of Deficit or Disorder to the Department Procedure.

(1) A report necessitating the request of the Department for review of an applicant or licensed driver's individual's physical

or mental ability qualifications to safely operate a motor vehicle may come to the attention of the Department Board as the a result of the medical reports submitted due to:

~~(a) Recommendation by supervisor of the Department's examiners based on direct observation by the Department examiners.~~

~~(1)(b) Receipt by the Department of a motor vehicle crash report accident reports indicating that a possible cause of the crash accident was a the driver's physical or mental deficit impairment.~~

~~(2)(e) Receipt by the Department of a Medical/Re-Exam Referral Form, HSMV 72419, Rev. 09/17, [hyperlink], herein incorporated by reference, Florida D/L Exam and Application DHSMV-D-34, indicating that the applicant or licensed driver has previously suffered from epilepsy or dizzy spells, been addicted to drugs or alcohol, intoxicating liquor or suffered from any other physical or mental deficit or disorder. Questions disability which might in the judgment of the Department raise a question as to the applicant or licensed driver's applicant's mental or physical ability to safely operate a motor vehicle will be based upon questions posed and/or observations made by the examiner in accordance with the September 2009 National Highway Traffic Safety Administration's Driver Fitness Medical Guidelines, as of 10/01/2017, [hyperlink], herein incorporated by reference. Copies of the form and the guidelines are available on the Department's website.~~

~~(d) Receipt of Driver's License Renewal Application, DHSMV-D-036, indicating that the applicant has from the date of the original application for license or renewal to the date of the present application of renewal of license suffered from epilepsy or dizzy spells, been addicted to drugs or intoxicating liquor or suffered other physical or mental disability including vision or hearing impairment which might in the judgment of the Department raise a question as to the applicant's mental or physical ability to safely operate a motor vehicle.~~

~~(3)(e) Receipt by the Department of a report reports submitted pursuant to Section 322.126, F.S. 322.126(2), F.S. (1981). This information may be submitted on a Medical Referral Form, HSMV 72190, Rev. 09/17, [hyperlink], or Medical Referral Form (Spanish), HSMV xxxxx, Rev. 09/17, [hyperlink], herein incorporated by reference. Copies of the forms are available on the Department's website.~~

~~(4)(f) Receipt by the Department of a request Request for reconsideration as provided by Rule 15A-5.0022, F.A.C. subsection (6) of this rule.~~

~~(2) The request for review or reconsideration and the driver's medical reports regarding his physical or mental ability to safely operate a motor vehicle shall be submitted to the Chairman for initial review and determination under these guidelines; the Chairman may request the Department to conduct further investigation if he deems it necessary. If the~~

~~Chairman recommends withdrawal or denial of licensure or if he determines that the case does not fall clearly within these guidelines, the medical reports shall be submitted to a member of the Board in the medical discipline covering the disability of the affected driver. This member shall have the primary responsibility for recommendation to the Department. However, all vision and neurological cases shall be submitted directly to the appropriate vision or neurology specialist without initial review by the Chairman. The Department's decision on licensure shall be rendered within 90 days following receipt of the affected driver's medical report.~~

~~(3) The Board may require the applicant or licensed driver to have his/her physician complete a medical report (DL 432, Rev. 82, copy available from Department's Bureau of Driver Improvement, Neil Kirkman Building, Tallahassee, FL 32301) and provide the Board with any other reports which the Board deems necessary to assist the Department in evaluating an applicant's mental or physical ability to safely operate a motor vehicle.~~

~~(4) In those cases where a formal Administrative Hearing has been requested and held and medical information which was not made available to the Board when the original recommendation was made is admitted into evidence, prior to entry of a Recommended Order, the Hearing Officer shall cause a copy of the official transcript and exhibits to be transmitted to the Chairman, who shall forward them to the member or members who made the original recommendation for purposes of reconsideration of the original recommendations in light of those new matters brought out at the hearing.~~

~~Such reconsideration shall be a part of the record of the proceedings and shall be considered in determining whether to grant, suspend or deny the applicant's driving privileges.~~

~~(5) The Hearing Officer shall prepare a Recommended Order and transmit it to all parties and to the Department's Reviewing Board, which shall enter the Final Order. Unless waived by all parties, the Recommended Order shall be transmitted within 30 days of the hearing or 30 days of the receipt of the transcript by the Hearing Officer. Parties may submit exceptions to the Recommended Order within 20 days of the receipt of the Recommended Order by the Reviewing Board.~~

~~(6) If the Board so recommends, a Final Order denying a driver license may state a date after which the applicant may apply to the department for reconsideration of the denial. Such applications shall be submitted to the Chairman as provided by subsection (2) of this rule.~~

~~(7) In the event of a conflict between this rule chapter and the procedural rules adopted by Rule 15-2.001, F.A.C., this rule chapter shall prevail.~~



~~(8) Members of the Board and other persons making examinations shall not be held liable for their opinions and recommendations.~~

Rulemaking Authority ~~322.02(6)~~ ~~322.02(3)~~, 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) ~~, 420.62, 420.53(1)(e)~~ FS. History—New 6-5-81, Amended 6-27-82, 7-29-84, 1-28-85, \_\_\_\_\_, Formerly 15A-5.02.

#### 15A-5.0021 Medical Review.

(1) Upon receipt of a report of an applicant or licensed driver exhibiting a mental or physical deficit, the Department may require an applicant or licensed driver to have their physician(s) complete one or more medical report form(s) and provide the Department with any other medical information it deems necessary to assist the Board in evaluating the applicant or licensed driver's mental or physical ability to safely operate a motor vehicle.

(2) A request for review of the applicant or licensed driver's medical reports regarding their physical or mental ability to safely operate a motor vehicle will be submitted to the Chairman, or a Board member designated by the Chairman for review and recommendation. If the Chairman or designated Board member determines that the case should be reviewed by a specialist, the request for review and medical reports will be submitted to a member of the Board in the medical discipline covering the deficit of the applicant or licensed driver for assessment. The Board member will make a recommendation on Medical Advisory Board Recommendation Form, HSMV 72997, Rev. 09/17, [hyperlink], herein incorporated by reference. The Board member will then have the primary responsibility for making a recommendation to the Department on behalf of the Board. Cases involving vision and neurological deficits may be submitted directly to a Board neurologist or eye specialist for review and recommendation.

(3) The Board's recommendation may include the following:

(a) A denial or revocation of the applicant or licensed driver's driving privilege.

(b) An approval of the applicant or licensed driver's fitness to drive with no follow-up medical reports and no examination or reexamination.

(c) An approval contingent on the applicant or licensed driver passing an examination or reexamination as provided in Section 322.221, F.S., which may include an extended driving test as outlined in Rule 15A-5.0010, F.A.C.

(d) An approval with a requirement that the applicant or licensed driver submit a follow-up medical report. If the Department orders a follow-up review of an applicant or licensed driver's medical condition, that follow-up will be conducted at a time established by the Board, based upon its review of the medical reports.

(e) An approval contingent on the applicant or licensed driver passing an examination or reexamination as provided in Section 322.221, F.S., which may include an extended driving test as outlined in Rule 15A-5.0010, F.A.C., and a requirement that they submit a follow-up medical report. If the Department orders a follow-up review of an applicant or licensed driver's medical condition, that follow-up will be conducted at a time established by the Board, based upon its review of the medical reports.

(f) A request that the applicant or licensed driver provide for further review the results of a Certified Driver Evaluation conducted by a Certified Driver Rehabilitation Specialist.

(g) A request that the applicant or licensed driver provide for further review additional medical information.

(4) All recommendations by the Board to the Department will be based on the request for review and the applicant or licensed driver's medical reports, which may include Certified Driver Evaluations conducted by Certified Driver Rehabilitation Specialists.

(5) In cases involving commercial drivers, the Board will make its recommendation in accordance with Title 49 C.F.R. s. 391.41 of the Federal Motor Carrier Safety Regulations, as of 10/01/2017, [hyperlink], herein incorporated by reference. In such cases the applicant or licensed driver may be required to complete the Commercial Driver License Form, HSMV 71048, Rev. 09/17, [hyperlink], herein incorporated by reference. Copies of the regulation and form are available on the Department's website.

(6) The Department's decision on licensure must be rendered within 90 days following the receipt of all requested information from the applicant or licensed driver.

(7) If the Department denies or revokes a driver license, the affected individual may, at any time, provide additional or updated medical information or a Certified Driver Evaluation conducted by a Certified Driver Rehabilitation Specialist for reconsideration by the Board.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New \_\_\_\_\_.

#### 15A-5.0022 Administrative Hearing Procedures.

(1) When an administrative hearing has been requested and held and medical information that was not made available to the Board when the original recommendation was made is admitted into evidence, the Hearing Officer will cause a copy of the official recording and exhibits to be transmitted to the Chairman prior to entry of a Recommended Order. The Chairman will review the evidence or forward it to the member or members who made the original recommendation for purposes of reconsideration of the original recommendation in light of those new matters brought out at the hearing. Such reconsideration

will be a part of the record of the administrative hearing and must be considered in determining whether to approve or deny the applicant or licensed driver's driving privileges.

(2) The Hearing Officer will prepare a Recommended Order and transmit it to all parties and to the Executive Director or designee who will enter the Final Order. Unless waived by all parties, the Recommended Order must be transmitted within 30 days of the hearing.

(3) If the Executive Director or designee so recommends based on the facts of a particular case, a Final Order denying a driver license will state a date after which the applicant or licensed driver may apply to the Department for reconsideration of the denial or revocation. Such applications for reconsideration must be submitted to the Chairman as provided by Chapter 15A-0021, F.A.C. The Final Order is reviewable by following the procedure specified in Section 322.31, F.S.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.57, 120.80 FS. History—New \_\_\_\_\_.

#### 15A-5.004 Seizures Neurological Guidelines for Applicants with Seizures.

(1) Applicants or licensed drivers must be seizure free for a period of two years before having their the license issued or reinstated, but if under regular medical supervision, may apply at the end of six months one year to be reconsidered reviewed by the Medical Advisory Board for issuance or reinstatement if they are under regular medical supervision and seizure free. Applicants or licensed drivers with "petit mal," absence seizures, and partial seizures with complex symptomatology will also be subject to these guidelines. An applicant or licensed driver with an isolated seizure with a normal electroencephalogram may be reconsidered by the Board at the end of three months. Applicants or licensed drivers must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers who have been approved for license issuance or reinstatement after being seizure free for six months may be required one year seizure free while on medication will have to submit follow-up medical information at periodic intervals as recommended by the Board reports at the end of one year.

(3) Applicants or licensed drivers who have had a chronic recurring seizures seizure disorder (or have been treated for such for one year) and who have anti-epileptic medications have been discontinued will not be licensed eligible to have their license reinstated for a two year seizure free period. The cause of a seizure or seizures may be the basis for special consideration by the Medical Advisory Board. In general,

medications should not be discontinued before a three year seizure free period. If medications are discontinued, a patient will be required not to drive during the period of drug withdrawal and for a period of three months following complete cessation of treatment. If the applicant or licensed driver has seizures during this withdrawal period, licensing may be considered after a three-month seizure free interval or upon return to adequate therapy.

(4) If there is a question about the seizure type or the medication the applicant or licensed driver is prescribed on, it is the prerogative of the Medical Board to question the physician further in an effort to clarify the nature of the seizures.

(5) No change.

(6) Applicants or licensed drivers with only non-epileptic seizures or chronic nocturnal seizures will be considered on an individual basis given special consideration on the recommendation of the physician filling out the medical report.

(7) "Petit mal" or absence seizures and partial seizures with complex symptomatology will also follow these guidelines.

(8) Applicants with syncopal episodes who have no clear diagnosis established should have a neurological evaluation including electroencephalography.

Rulemaking Authority 322.02(6) 322.02(3), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62 FS. History—New 7-5-81, Amended 6-27-82, \_\_\_\_\_, Formerly 15A-5.04.

#### 15A-5.005 Loss of Consciousness.

(1) Recommendations by the Board as to whether an applicant or licensed driver who suffers from loss of consciousness can safely operate a motor vehicle will depend upon consideration of the Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], and Loss of Consciousness Follow-Up Form, HSMV 72117, Rev. 09/17, [hyperlink], hereby incorporated by reference, from their treating physician medical reports indicating the cause of for the loss of consciousness. Copies of the forms are available on the Department's website.

(2) Applicants or licensed drivers who may have experienced a loss of consciousness as a result of hypoglycemia must provide a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], and/or Diabetes/Hypoglycemia Follow-Up Form, HSMV 72112, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician for consideration by the Board. If the hypoglycemic episode resulted in a motor vehicle crash, the applicant or licensed driver must present a Diabetes Form, HSMV 72118, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician. Copies of the forms are available on the Department's website

Rulemaking Authority 322.02(6) 322.02(3), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3),

322.126(1), 322.221(2)(c), ~~120.62~~ FS. History—New 6-27-82, Amended \_\_\_\_\_, Formerly 15A-5.05.

15A-5.006 Cardiovascular Deficits Cardiovascular Impairments.

Applicants or licensed drivers who experience cardiovascular deficits cardiovascular impairments must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician indicating their evidence of his physical ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, \_\_\_\_\_, Formerly 15A-5.06.

15A-5.008 Deficits Impairments of Memory or Judgment.

Applicants or licensed drivers who suffer from deficits medically significant impairments of memory or judgment must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician indicating their medical report of his or her physical and mental ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, \_\_\_\_\_, Formerly 15A-5.08.

15A-5.009 Musculoskeletal and ~~or~~ Neuromuscular Disorders Impairments.

(1) Applicants or licensed drivers with sStatic musculoskeletal ~~or and~~ static neuromuscular disorders who will be exempted from the guidelines provided the individual can demonstrate that they he can safely operate a motor vehicle with or without the use of aids and devices based on an examination or reexamination as outlined in Rule 15A-5.0021, F.A.C., may be required to submit a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, for review by the Board. Applicants or licensed drivers may be exempted from further reviews since these conditions are static and not likely to progress. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers with progressive musculoskeletal and progressive neuromuscular disorders will be required to submit a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, statement from their treating a physician indicating they have the mental and physical ability capabilities to safely operate a motor vehicle drive. These applicants or licensed drivers must provide periodic follow-up medical information as

recommended by the Board due to the progressive nature of these disorders individuals should also take the driving portion of the driver examination every four years at the date of renewal if recommended by their physician. They may also be required by the Board to take an examination or reexamination as outlined in Rule 15A-5.0021, F.A.C. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, \_\_\_\_\_, Formerly 15A-5.09.

15A-5.010 Severe ~~Emotional and~~ Mental Disorders Conditions.

(1) Applicants or licensed drivers who have been adjudged incompetent will not be considered capable of safely operating a motor vehicle vehicles unless their his or her competency has been judicially restored.

(2) Applicants or licensed drivers who have suffered from severe emotional or mental disorders that conditions which have required hospitalization or treatment for six months or more must present a Mental Status Examination Form, HSMV 72481, Rev. 09/17, [hyperlink], herein incorporated by reference, from a licensed psychiatrist of their psychiatric report of his or her mental ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website. Mental disorders may include:

- (a) Acute and/or chronic psychotic reaction;
- (b) Personality disorders that manifest violent or aggressive behavior;
- (c) Other serious emotional or mental disorders that interfere with judgment or and reaction time.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, \_\_\_\_\_, Formerly 15A-5.10.

15A-5.011 Vision Standards.

(1) Applicants who have 20/50 vision or worse in either eye without corrective lenses are referred to a licensed practitioner for possible improvement.

(1)(2) Applicants or licensed drivers who have 20/50 vision or worse in either eye, with or without corrective lenses, will be are referred to an eye specialist for possible improvement.

(2)(3) Applicants or licensed drivers who have 20/70 vision in either eye or with both eyes, may be issued a license pass with or without corrective lenses, if vision cannot be improved; however, if one eye is blind, or 20/200 or worse, the other eye must be 20/40 or better.

(4) Applicants who have 20/80 vision or worse, with both eyes, are not licensed.

~~(3)(5)~~ 130 degrees is the minimum acceptable field of vision, for an applicant or licensed driver is 130 degrees using a 4 mm<sup>2</sup> with 5mm white target.

(4) Applicants or licensed drivers who cannot meet these standards will not be issued a driver license or will have their driver license revoked. When requested by the Department, applicants or licensed drivers must present a Report of Eye Exam Form, HSMV 72010, Rev. 09/17, [hyperlink], Report of Eye Exam Form (Spanish), HSMV 72838, Rev. 09/17, [hyperlink], or a Prism Form, HSMV 72111, Rev. 09/17, [hyperlink], herein incorporated by reference, by an eye specialist indicating visual standards required for licensing. Copies of the forms are available on the Department’s website.

~~(5)(6)~~ The use of telescopic lenses ~~lens~~ to meet visual standards is not permitted recognized.  
 Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62 FS. History—New 7-5-81, Formerly 15A-5.11, Amended 8-15-16,\_\_\_\_\_.~~

15A-5.012 Drug Addiction and Alcoholism.

(1) Any applicant or licensed driver who abuses or is addicted to drugs, alcohol, or any substance that renders them incapable of operating a motor vehicle safely will not be issued a driver license or will have their driver license revoked.

(2) Applicants or licensed drivers with a history of substance abuse may be approved for licensure after they have received counseling and/or treatment from a substance abuse specialist or treatment center and have met all requirements identified in Chapters 316 and 322, F.S. In addition, the applicant or licensed driver must provide to the Department an Alcohol and Drug Usage Form, HSMV 72480, Rev. 09/17, [hyperlink], herein incorporated by reference, from a physician or treatment source indicating that they are compliant with treatment and are capable of operating a motor vehicle safely. A copy of the form is available on the Department’s website. Rulemaking Authority ~~322.02(6), 322.125(7) 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Ray Graves, Bureau Chief, Department of Highway Safety and Motor Vehicles

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 17, 2017

**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 2018-2019 Reimbursement Contract, including Addenda. In addition, the rule is being amended to provide an alternative procedure for commutation of Contract Year 2016-2017 losses and 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 (16)(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), F.S.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), F.S.

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 14, 2017, 9:00 a.m. to 11:00 a.m. (ET).

PLACE: Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308. Persons wishing to participate by phone may dial (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: Donna Sirmons, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1349, donna.sirmons@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: Donna Sirmons 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 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.~~

~~(1)(2) 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.~~

~~(2)(3) 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.

~~(3)(4) The reimbursement contract for the 2016-2017 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-06219>, 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. 12/15 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2016 through May 31, 2017.~~

~~(4)(5) The reimbursement contract for the 2017-2018 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-07504>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2017K-“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. 11/16 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2017 through May 31, 2018.~~

~~(5) The reimbursement contract for the 2018-2019 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-2018K-“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/17 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2018 through May 31, 2019.~~

~~(6) In recognition of the fact that few, if any, companies sustained losses from Hurricanes Hermine and Matthew in 2016 in amounts sufficient to exceed their FHCF retention, and that, notwithstanding the limitations of Art. X(3)(d) of the 2016-2017 Reimbursement Contract, companies may wish to complete a commutation for zero dollars earlier than 36 months after the end of the 2016-2017 contract year, which is the~~

earliest date for commutation allowed under that provision of the Reimbursement Contract. Therefore, with respect to the 2016-2017 Reimbursement Contract, a company and the SBA may mutually agree to initiate and complete a commutation for zero dollars prior to the end of the 36-month period referred to in Art. X(3)(d). Such early commutation, once completed, eliminates the mandatory Proof of Loss requirements under Art. X(3)(b)3. and 4. for all reporting periods subsequent to the completion of the commutation.

(7)(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, 1-3-16, 11-9-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Bert, 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 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2017

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-33.001  
 RULE TITLE: Requirements Regarding Handling and Storing of Human Remains

PURPOSE AND EFFECT: To clarify that human remains have to be completely covered immediately before exiting the place of removal.

SUMMARY: Removal, transport and storage of human remains.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

RULEMAKING AUTHORITY: 497.103(1)(n), 497.386(4) FS. LAW IMPLEMENTED: 497.386(4) 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69K-33.001 Requirements Regarding Handling and Storing of Human Remains.

(1) No change.

(2)(a) All human remains in the possession of a Chapter 497, F.S., licensee shall be refrigerated at 40 degrees Fahrenheit or below commencing 24 hours after death, unless the remains have by then been embalmed.

(b) No change.

(c) Human remains shall be ~~kept~~ completely covered immediately prior to exiting the place of removal and completely covered while being transported and stored ~~while being removed or transported from the place of death to an establishment or facility licensed under Chapter 497, F.S.~~

(d) through (i) No change.

Rulemaking Authority 497.103(1)(n), 497.386(4) FS. Law Implemented 497.386(4) FS. History—New 2-28-02, Formerly 61G8-33.001, Amended 8-5-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2017

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC - Financial Institution Regulation**

RULE NOS.:	RULE TITLES:
69U-135.101	Written Notice for Qualification
69U-135.102	Renewal of Qualification
69U-135.103	Procedures for Surrender of Qualification

PURPOSE AND EFFECT: The Office of Financial Regulation proposes to create new rules under Chapter 69U-135, F.A.C., to implement Ch. 2017-83, Laws of Florida (International Financial Institutions), signed into law on June 9, 2017. The legislation requires the Financial Services Commission to implement some of its provisions by rule.

SUMMARY: Chapter 69U-135, F.A.C., will govern the regulation of Qualified Limited Service Affiliates of International Trust Entities.

**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: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this 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: 663.532(1), 663.539, 663.538(1) FS.

LAW IMPLEMENTED: 663.532, 663.539, 663.538 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: Jodi-Ann V. Livingstone, Chief Counsel, Division of Financial Institutions, (850)410-9652, Jodi.Livingstone@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-135.101 Written Notice for Qualification.

The written notice to qualify as a qualified limited service affiliate shall be filed on Form OFR-U-135, Written Notice to Qualify as a Qualified Limited Service Affiliate in the State of Florida, effective 01/2018, herein incorporated by reference and available at <https://www.flrules.org/XXXXX>. Rulemaking Authority 663.532(1) FS. Law Implemented 663.532 FS. History-New \_\_\_\_\_.

69U-135.102 Renewal of Qualification.

(1) A qualification must be renewed every 2 years. Within 30 days of the end of each 2 year period, qualification must be renewed by filing a written notice of renewal with the OFR. The written notice of renewal of qualification shall be filed on Form OFR-U-135R, Written Notice of Renewal of Qualification, effective 01/2018, herein incorporated by reference and available at <https://www.flrules.org/XXXXX>.

(2) Each written notice of renewal of qualification must be signed under penalty of perjury by the executive officer or managing member of the qualified limited service affiliate, to the best of his or her knowledge. Rulemaking Authority 663.539 FS. Law Implemented 663.539 FS. History-New \_\_\_\_\_.

69U-135.103 Procedures for Surrender of Qualification.

(1) A qualified limited service affiliate that proposes to terminate operations in this state must surrender its qualification. A qualified limited service affiliate must surrender its qualification by providing the OFR with written notification at least 60 days prior to the proposed date of voluntary termination. The notice must contain the proposed date of termination and the name of the officer in charge of the termination procedures, and shall attach a proposed plan for discontinuing business as well as a certified copy of the resolution of the board of directors, or members if a limited liability company, authorizing the action.

(2) The proposed plan for discontinuing business must include:

(a) A draft of the proposed notice to each international trust entity to whom services are provided;

(b) Any outstanding liabilities or claims and the proposed process to settle those liabilities or claims;

(c) Any other information related to the resolution of outstanding matters and discontinuance of business including any related proposed amendments to the company's articles of incorporation or organization or articles of dissolution.

(3) Operations of a qualified limited service affiliate are deemed terminated upon the later of the expiration of the 60 days from the date of the filing of the notice of voluntary surrender or upon the date provided in the notice of voluntary surrender, unless the OFR provides written notice specifying the grounds for denial of such proposed termination.  
Rulemaking Authority 663.538(1) FS. Law Implemented 663.538 FS. History-New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeremy W. Smith, Director, Division of Financial Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2017

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC - Financial Institution Regulation**

RULE NOS.: RULE TITLES:  
69U-140.004 Application for the Establishment of Separate International Banking Agencies by a Qualified International Banking Corporation  
69U-140.022 Service of Process

PURPOSE AND EFFECT: The Office of Financial Regulation (OFR) proposes to repeal Rule 69U-140.004, F.A.C., as it sets forth information that is already included in statute without further implementation. The OFR proposes to repeal Rule 69U-140.022, F.A.C., as the location for service of process for financial institutions is already established in Section 655.0201, Florida Statutes.

SUMMARY: The Office of Financial Regulation intends to repeal Rules 69U-140.004 and .022, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential

economic impact conducted by persons with subject matter knowledge of this 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: 655.012(3), 663.06(6), 663.13 FS.

LAW IMPLEMENTED: 48.081, 48.181, 48.193, 120.53(1)(c), 120.60(6), 663.06(6), 663.13, 663.04, 663.05(4) 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: Jodi-Ann V. Livingstone, Chief Counsel, Division of Financial Institutions, (850)410-9652, Jodi.Livingstone@flofr.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69U-140.004 Application for the Establishment of Separate International Banking Agencies by a Qualified International Banking Corporation.

Rulemaking Authority 663.06(6), 663.13 FS. Law Implemented 663.04, 663.05(4), 663.06(6) FS. History–New 12-20-82, Formerly 3C-15.081, 3C-15.0081, 3C-140.004, Repealed\_\_\_\_\_.

69U-140.022 Service of Process.

Rulemaking Authority 655.012(3), 663.13 FS. Law Implemented 48.081, 48.181, 48.193, 120.53(1)(c), 120.60(6), 663.06(6), 663.13 FS. History–New 2-24-80, Amended 7-21-81, Formerly 3C-15.07, 3C-15.00, 3C-140.022, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeremy W. Smith, Director, Division of Financial Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

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**Section III  
Notice of Changes, Corrections and  
Withdrawals**

**NONE**

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**Section IV  
Emergency Rules**

**NONE**

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**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-30.008 State Officer Certification Examination Site Administration

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Florida Department of Law Enforcement received a petition for a permanent waiver of subsection 11B-30.008(1), F.A.C., from Jason McCoy. Petitioner wishes to waive that portion of the Rule that states, in pertinent part: Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. In justification of his petition for waiver, Petitioner asserts that he is a Deputy Sheriff in Indiana planning to relocate to Florida in the spring of 2018 to continue his career in law enforcement. Petitioner asserts that he successfully completed a Florida Equivalency of Training Program in April of 2017, and in June of 2017, Petitioner sat for and passed the Florida SOCE at a Pearson VUE testing location outside the state of Florida. Petitioner alleges that it was a glitch in the Pearson VUE website that allowed him to register and sit for the SOCE outside of Florida. Petitioner further alleges that, should the waiver not be granted, Petitioner will suffer a substantial hardship as he would be unable to obtain employment as a law enforcement officer until he sits for and passes a Florida SOCE administered within the State of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
 Health Facility and Agency Licensing  
 NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for correction of the Petition for Variance from Rule 59AER17-1, F.A.C. filed by Lake Wales Health Care Operations Company LLC dba Astoria Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012349. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by

forwarding an email to Kimberly.Stewart@ahca.myflorida.com. A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
 Health Facility and Agency Licensing  
 NOTICE IS HEREBY GIVEN that on October 16, 2017, the Agency for Health Care Administration, received a petition for an amendment to the Petition for Variance from Rule 59AER17-1, F.A.C filed by Blountstown Rehabilitation Center d/b/a River Valley Rehabilitation Center. The Petition has been assigned Agency case number 2017012122 . The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com. A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
 Health Facility and Agency Licensing  
 NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Arch Plaza, Inc. d/b/a Arch Plaza Nursing & Rehabilitation Center. The Petition has been assigned Agency case number 2017012290. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com. A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1,

Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 16, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Delray Group LLC, d/b/a Lake View Care Center at Delray. The Petition has been assigned Agency case number 2017012272. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from FI-Evergreen Woods, LLC d/b/a Evergreen Woods Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012293. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from FI-Tampa, LLC

d/b/a Rehabilitation and Healthcare Center of Tampa. The Petition has been assigned Agency case number 2017012288. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from FI-The Oaks, LLC d/b/a The Oaks at Avon. The Petition has been assigned Agency case number 2017012298. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Manor Pines Convalescent Center, LLC, d/b/a Manor Pines Convalescent Center. The Petition has been assigned Agency case number 2017012296. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days

after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Manor Oaks Nursing and Rehabilitation, Inc., d/b/a Manor Oaks Nursing and Rehabilitation. The Petition has been assigned Agency case number 2017012274. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 16, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Ocala Healthcare Associates, LLP, d/b/a Timberridge Nursing & Rehabilitation Center. The Petition has been assigned Agency case number 2017012295. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: contacting Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive,

Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Ponce Plaza, Inc. d/b/a Ponce Plaza Nursing & Rehabilitation Center. The Petition has been assigned Agency case number 2017012300. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Senior Health Winter Haven LLC d/b/a Winter Haven Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012297. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Tarpon

Rehabilitation Center, LLC d/b/a Tarpon Bayou Center. The Petition has been assigned Agency case number 2017012299. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Orlando Lutheran Towers, Inc., d/b/a Commons at Orlando Lutheran Towers. The Petition has been assigned Agency case number 2017012270. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Clearwater Rehabilitation Center, LLC d/b/a Clearwater Center. The Petition has been assigned Agency case number 2017012292. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of

time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Terrace of Jacksonville LLC, d/b/a The Terrace at Jacksonville. The Petition has been assigned Agency case number 2017012205. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C. filed by Sovereign Healthcare of St. Augustine LLC d/b/a Moultrie Creek Nursing and Rehabilitation Center. The Petition has been assigned Agency case number 2017012178. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of Port Orange, LLC, d/b/a Port Orange Nursing and Rehab Center. The Petition has been assigned Agency case number 2017012175. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 12, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of Palm City, LLC, d/b/a Palm City Nursing and Rehab Center. The Petition has been assigned Agency case number 2017012180. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of Orange City, LLC, d/b/a Orange City Nursing and Rehab Center. The Petition has been assigned Agency case number 2017012206. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of Atlantic Shores, LLC, d/b/a Atlantic Shores Nursing and Rehab Center. The Petition has been assigned Agency case number 2017012176. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sarasota Bay Rehabilitation Center, LLC d/b/a Sarasota Point Rehabilitation Center. The Petition has been assigned Agency case number 2017012207. The Petition seeks a variance from Rule

59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Lanier Terrace LLC, d/b/a Lanier Terrace. The Petition has been assigned Agency case number 2017012208. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from FMHR LLC, d/b/a Fountain Manor Health & Rehabilitation Center. The Petition has been assigned Agency case number 2017012209. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to

[Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Ayintove Associates, d/b/a Harmony Health Center. The Petition has been assigned Agency case number 2017012210. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Florida Presbyterian Homes, Inc. The Petition has been assigned Agency case number 2017012218. The Petition seeks a waiver and/or variance from Rule 59AER17-1 F.A.C. requesting a waiver and/or variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to [Kimberly.Stewart@ahca.myflorida.com](mailto:Kimberly.Stewart@ahca.myflorida.com).

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 13, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Florida Presbyterian Homes, Inc. The Petition has been assigned Agency case number 2017012218. The Petition seeks a waiver and/or variance from Rule 59AER17-1 F.A.C. requesting a waiver and/or variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 12, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Cross Gardens Care Center. The Petition has been assigned Agency case number 2017012162. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 17, 2017, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.12(A), 2009 FDA

Food Code, subsection 61C-4.010(5), Florida Administrative Code, paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2009 FDA Food Code from Treats of Naples Inc. located in Naples. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided and that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the warewashing and mopsink facilities located within a business located in the same building under a different ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that on October 06, 2017, the Department of Business and Professional Regulation, Division of Drugs, Devices and Cosmetics, received a petition for Variances and Waivers from Nanette O'Donnell, P.A. Duane Morris, LLP, 200 S. Biscayne Boulevard, 34th Floor, Miami, FL 33131 on behalf of Mount Sinai Hospital, 4300 Alton Road, Miami Beach, FL 33140.

The petitioner seeks a variance and waiver of it's administrative rules 61N-1.023(2); which requires that transfers by it be limited to commonly-owned entities with a pharmacy permit. Mount Sinai also asks that the requested waiver apply both retrospectively and prospectively for all of the current Practice locations and any new practice locations to be opened by Mount Sinai or Mount Sinai's affiliates in the future.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Division of Drugs, Devices and Cosmetics, 2601 Blair Stone Road, Tallahassee, FL 32399-1047, (850)717-1800. Dinah.Greene@myfloridalicense.com

Please refer all comments to: Drew Winters, Division Director, Division of Drugs, Devices and Cosmetics, 2601 Blair Stone Road, Tallahassee, FL 32399-1047; website: [http://interredesignalpha/dbpr/ddc/ddc\\_division\\_notices.html](http://interredesignalpha/dbpr/ddc/ddc_division_notices.html).

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:RULE TITLES:

64E-16.002 Definitions

64E-16.004 Storage and Containment

NOTICE IS HEREBY GIVEN that on September 25, 2017, the Department of Health, received a petition for variance from Florida Administrative Code Rules 64E-16.002(24), 64E-16.004(2)(d)(3), and 64E-16.004(2)(a), from Thomas Beason, Petitioner, on behalf of Stericycle, Inc. These rules prescribe a definition of a sharps container; procedure for emptying reusable sharps containers; and standards for packages of biomedical waste. The Petitioner requests a variance from the rules to allow the Petitioner to consolidate the contents of smaller reusable sharps containers into larger reusable sharps containers for transportation to a permitted treatment facility. Comments on this petition should be filed with Shannon Revels, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jenelle Williams, Bureau of Environmental Health, Facility Programs Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)901-6523.

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 25, 2017, 10:00 a.m. until conclusion

PLACE: This meeting will be held via teleconference.

DIAL-IN INFORMATION: 1(888)670-3525

PARTICIPANT PASSCODE: 1937102943

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council Business.

A copy of the agenda may be obtained by contacting: Lynn Guyton at [Lynn.Guyton@myfloridalegal.com](mailto:Lynn.Guyton@myfloridalegal.com) or by accessing the Council's website at: <http://www.myfloridalegal.com/humantraffickingcouncil>.

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: the Office of Attorney General Pam Bondi 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).

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: Lynn Guyton at [Lynn.Guyton@myfloridalegal.com](mailto:Lynn.Guyton@myfloridalegal.com) by telephone at (813)287-7950.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

The Honey Bee Technical Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2017, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Farm Bureau - Auditorium, 5700 SW 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome and Roll Call; approval of minutes from last HBTC meeting; What is a Veterinary Feed Directive(VFD); review of Bee Lab Funding

A copy of the agenda may be obtained by contacting: Dave Westervelt, (352)395-4636.

### DEPARTMENT OF EDUCATION

University of Florida

The Early Grade Success Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 31, 2017, 2:30 p.m. – 4:30 p.m.

PLACE: Zoom Video Conference;

<https://lastingcenter.zoom.us/j/962564306>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early learning child assessment.

A copy of the agenda may be obtained by contacting: Ali Miler, [amiler@coe.ufl.edu](mailto:amiler@coe.ufl.edu).

### STATE BOARD OF ADMINISTRATION

The Florida Commission on Hurricane Loss Projection Methodology announces two public meetings to which all persons are invited.

DATE AND TIME: Wednesday, October 25, 2017, 9:00 a.m. (ET) to conclusion of the meeting

DATE AND TIME: Thursday, October 26, 2017, 9:00 a.m. (ET) to conclusion of the meeting

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Boulevard, Tallahassee, Florida 32308

Persons in the U.S. and Canada wishing to participate by telephone may dial (888) 670-3525. Persons outside of the U.S. and Canada wishing to participate by telephone may dial: (720)389-1212. The conference code for all callers is: 7135858151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and adoption of the 2017 hurricane standards and



Hurricane and Flood Reports of Activities. Other business of the Commission may also be considered.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P.O. Drawer 13300, Tallahassee, FL 32317-3300, donna.sirmons@sbafla.com, (850)413-1349.

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: Donna Sirmons at the email or number listed above. 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).

**PUBLIC SERVICE COMMISSION**

The FLORIDA PUBLIC SERVICE COMMISSION announces a hearing in the following dockets to which all persons are invited.

**DOCKET NOS. AND TITLES:**

Docket No. 20170210-EI – Petition for a limited proceeding to approve 2017 Amended and Restated Stipulation and Settlement Agreement by Tampa Electric Company.

Docket No. 20160160-EI – In re: Tampa Electric Company’s petition for approval of Energy Transaction Optimization Mechanism.

**HEARING DATE AND TIME:** Monday, November 6, 2017, 1:00 p.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE HEARING:**

The purpose of this hearing shall be to consider Tampa Electric Company’s Petition for a limited proceeding to approve its 2017 Amended and Restated Stipulation and Settlement Agreement, and to take action on any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take matters under advisement. This proceeding shall: (1) allow the parties to present evidence and testimony in support of their positions; (2) allow for such other purposes as the Commission may deem appropriate.

**PUBLIC TESTIMONY:** Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on November 6, 2017. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code (F.A.C.). All witnesses shall be subject to cross-examination at the conclusion of their testimony. The

hearing will be governed by the provisions of Chapters 120 and 366, Florida Statutes, and Chapters 25-22 and 28-106, F.A.C.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the hearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD) or (850)413-6770. Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

**EMERGENCY CANCELLATION OF HEARING**

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission’s website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

**REGIONAL PLANNING COUNCILS**

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Councils Executive Budget Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 11, 2017, 9:00 a.m.

**PLACE:** 4000 Gateway Centre Blvd., Ste.100, Pinellas Park, Florida 33782

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Executive Budget Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.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).

For more information, you may contact: Wren Krahl, Wren@tbrpc.org.

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

The Central Florida Water Initiative (CFWI) Steering Committee consists of a Governing Board member from the St. Johns River Water Management District, South Florida Water Management District, and Southwest Florida Water Management District each, and a representative from each of the following: The Florida Department of Environmental

Protection, Florida Department of Agricultural and Consumer Services, and the Tohopekaliga (Toho) Water Authority. Toho's representative also represents other water supply utilities within the Central Florida Water Initiative. The CFWI Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 27, 2017, 9:30 a.m.

PLACE: Haines City Commission Chambers, 620 E. Main Street, Haines City, FL 33844

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the CFWI Steering Committee that was previously noticed and described above has been CANCELLED.

A copy of the agenda may be obtained by contacting:

For more information, you may contact: Craig Varn, Manson Bolves Donaldson and Varn, 106 East College Avenue, Suite 820, Tallahassee, FL 32301, (850)583-0007, CVarn@mansonbolves.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Engineers Management Corporation Board Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 3, 2017, 10:00 a.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: to monitor the operations of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation and other general business of the Committee. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114 at least 10 days prior to the date of the meeting. The call in number is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2017, 8:30 a.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law. If you wish to participate in any public portion of the Probable Cause Panel Meeting, please contact Rebecca Sammons at least 10 days prior to the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 7, 2017, 1:00 p.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114 at least 10 days prior to the date of the meeting. The call in number

is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Educational Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 7, 2017, 3:00 p.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. The call in number is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Rules Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 8, 2017, 8:30 a.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114 at least 10 days prior to the date of the meeting. The call in number is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Nominating Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 13, 2017, 1:00 p.m. or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: to nominate a chair and vice chair for 2018. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. The call in number is 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

The Florida Board of Professional Engineers Structural Rules Committee Meeting announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 14, 2017, 2:00 p.m. or soon thereafter

**PLACE:** Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** general business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. The call in number is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

The Florida Board of Professional Engineers Certificate of Authorization Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 15, 2017, 2:00 p.m. or soon thereafter

**PLACE:** Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** general business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. The call in number is: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

The Florida Board of Professional Engineers announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 17, 2017, 10:00 a.m. or soon thereafter

**PLACE:** Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To act on the recommendations from the Application & Educational Advisory Committee to approve or deny applications for licensure and any old or new business of the Board. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. The call in number is:

1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.625 Peace River Basin TMDLs

The Florida Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2017, 9:30 a.m.

PLACE: Polk County Parks & Natural Resources Division, 4177 Ben Durrance Road, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This technical meeting is for interested stakeholders to discuss with the department the status of TMDL development for nutrient impaired waterbodies in the Upper Peace River basin (Lake Alfred, Lake Mariana, Lake Blue, Lake Conine, Lake Rochelle, Lake Haines, Lake Ariana, Lake Sears, and Lake Spirit). The meeting will provide an opportunity for the department to present the approach to be used for development of TMDLs and to obtain input from stakeholders. Written comments on the TMDL approach should be received by November 22, 2017 and can be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email to: [Erin.Rasnake@dep.state.fl.us](mailto:Erin.Rasnake@dep.state.fl.us).

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

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: Ms. Shamyah Gibson, (850)245-8449. If you are

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

The Board of Chiropractic Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2017, 8:30 a.m.

PLACE: Rosen Plaza Inc., 9700 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business, to include licensure and discipline.

A copy of the agenda may be obtained by contacting: <http://floridaschiropracticmedicine.gov/>.

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: Anthony.Spivey@flhealth.gov. 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: [Anthony.Spivey@flhealth.gov](mailto:Anthony.Spivey@flhealth.gov).

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NOS.:RULE TITLES:

65G-7.001 Definitions

65G-7.002 Determining Need for Assistance; Informed Consent Requirement

65G-7.003 Medication Administration Training Course

65G-7.004 Validation Requirements

65G-7.005 Medication Administration Procedures

65G-7.006 Medication Errors

65G-7.007 Storage Requirements

65G-7.008 Documentation and Record Keeping

65G-7.009 Off-site Medication Administration

The Agency for Persons with Disabilities announces a workshop to which all persons are invited.

DATE AND TIME: October 27, 2017, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The

standards for the administration of medication by direct service providers.

A copy of the agenda may be obtained by contacting: Barry Munroe, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-2030, [barry.munroe@apdcares.org](mailto:barry.munroe@apdcares.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 7 days before the workshop/meeting by contacting: Barry Munroe, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-2030, [barry.munroe@apdcares.org](mailto:barry.munroe@apdcares.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).

For more information, you may contact: Barry Munroe, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399.

#### NAVIGATION DISTRICTS

Florida Inland Navigation District

The Florida Inland Navigation District announces a workshop to which all persons are invited.

DATE AND TIME: October 26, 2017, 3:00 p.m. – 4:00 p.m.

PLACE: Indian Riverside Park, 1707 NE Indian River Drive, Jensen Beach, FL 34957

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop to discuss the availability and potential for Commercial and Industrial Access to Intracoastal Waterway in St. Lucie and Martin Counties.

A copy of the agenda may be obtained by contacting: the District by mail, 1314 Marcinski Rd., Jupiter, FL 33477, by email: [Info@aicw.org](mailto:Info@aicw.org) or by phone at (561)627-3386.

#### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2017, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Evidentiary hearing in RAAC Docket Number 17-01710
2. Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 days before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

#### FLORIDA SURPLUS LINES SERVICE OFFICE

The Florida Surplus Lines Service Office Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 31, 2018, 1:00 p.m.

PLACE: The Don CeSar, 3400 Gulf Boulevard, St. Pete Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting General Business Matters.

A copy of the agenda may be obtained by contacting: Georgie Barrett at [gbarrett@fslso.com](mailto:gbarrett@fslso.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 2 days before the workshop/meeting by contacting: Jennifer Mills at [jmills@fslso.com](mailto:jmills@fslso.com) or 1(800)562-4496, ext. 101. 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).

#### INFINITE SOURCE COMMUNICATIONS GROUP, LLC

The Florida Department of Transportation (FDOT), District Four, announces a Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, October 24, 2017, 5:30 p.m.

PLACE: Jupiter Community Center, 200 Military Trail, Jupiter, Florida 33458. In the event that the Public Hearing cannot be held on October 24, 2017 due to severe weather or other unforeseen conditions, it will be held on the alternate date of Wednesday, November 15, 2017 at the same time and place.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Four, will be hosting a Public Hearing for State Road (SR) 5/US-1 Federal Highway Bridge from CR-A1A to Beach Road Project Development and Environment (PD&E) Study. The Public Hearing will begin as an open house at 5:30 p.m. followed by a formal presentation at 6:30 p.m.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried-out by FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT.

This meeting is being held to allow interested persons an opportunity to discuss with staff the location, conceptual design, social, economic and environmental effects of the proposed project alternative for the PD&E Study. The primary purpose of this PD&E is to evaluate bridge replacement alternatives, which will resolve the structurally deficient conditions of the existing bridge and enhance multimodal mobility.

A copy of the agenda may be obtained by contacting: Ms. Nadir Rodrigues, PE, Project Manager, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4385 or toll free: 1(866)336-8435, ext. 4385 or via email: nadir.rodrigues@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the public meeting is asked to advise the agency at least seven (7) days before the Public Hearing by contacting: Ms. Nadir Rodrigues, PE at (954)777-4385 or toll-free: 1(866)336-8435, ext. 4385; in writing to Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 or via email: nadir.rodrigues@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). Any persons who require translation services (free of charge) should also contact Ms. Nadir Rodrigues, PE at least seven (7) days before the meeting.

For more information, you may contact: Ms. Nadir Rodrigues, PE at (954)777-4385 or toll-free: 1(866)336-8435, ext. 4385; in writing to Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 or via email: nadir.rodrigues@dot.state.fl.us.

#### THE BALMORAL GROUP, LLC

The Florida Department of Transportation announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, October 26, 2017, 5:30 p.m. – 6:30 p.m., ET; Formal presentation at 6:00 p.m. ET

PLACE: Florida Department of Transportation Central Office, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public hearing concerning proposed improvements to the intersection of State Road (S.R.) 20 (U.S. 27/Apalachee

Parkway) at S.R. 265 (Magnolia Drive). The intent of this project is to reconfigure the intersection to improve motorist and pedestrian safety. The existing eastbound and westbound right turn lanes on the service roads will be removed and new right turn lanes constructed on S.R. 20 (Apalachee Parkway). Additional improvements consist of extending the eastbound left turn lanes to northbound S.R. 265 (Magnolia Drive), adding a marked crossing on the east leg of the intersection, modifying the crossing on the west leg to make it a single crossing movement, minor modifications to the existing stormwater collection system, signage, pavement markings, signalization and lighting improvements.

There will be a formal presentation followed by a public comment period at 6:00 p.m. ET. Maps, drawings and other information will be on display at the hearing. FDOT representatives available to discuss the project, answer questions, and receive comments.

A copy of the agenda may be obtained by contacting: Howard Hodge, P.E., FDOT Project Manager at (850)526-2291 or via email: hhodge@pecscorp.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: Howard Hodge, P.E., FDOT Project Manager at (850)526-2291 or via email: hhodge@pecscorp.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: Ian Satter, District Three Public Information Director at (850)638-0250, ext. 1205 or via email: ian.satter@dot.state.fl.us.

## Section VII

### Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Florida Condominiums, Timeshares and Mobile  
Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed

by Alexander E. Borell, Esq., In Re: Oak Gardens Condominium Association, Inc., Docket No. 2017036849, on July 31, 2017. The following is a summary of the agency's declination of the petition:

The Division declined to issue a statement because it cannot issue a statement without sufficient facts and competent, substantial evidence; and because it cannot interpret governing documents instead of the applicability of a statute, rule, or order. The order was filed with the Agency Clerk on October 2, 2017.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)717-1539; Danielle.Walker@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Pharmacy

NOTICE IS HEREBY GIVEN that the Board of Dentistry has received the petition for declaratory statement from Fatemeh Gholami, D.D.S. filed on October 5, 2017. The petition seeks the agency's opinion as to the applicability of Section 466.006(3), Florida Statutes as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to Section 466.006(3), Florida Statutes, regarding whether the three-year Periodontics Dentistry program petitioner completed meets the legislative intent for a "2 year supplemental general dentistry program," as referenced in section 466.006(3)(b), Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or by email at info@floridasdentistry.gov.

Section VIII  
Notice of Petitions and Dispositions  
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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 ENVIRONMENTAL PROTECTION

Weeks Property Waste Tire Site

NOTICE OF Invitation to Bid: On behalf of the Florida Department of Environmental Protection's the Procurement Office is soliciting formal, competitive, sealed bids from vendors for Invitation To Bid number 2018011, Weeks Property Waste Tire Site.

The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at: [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu)

MID-FLORIDA AREA AGENCY ON AGING

Notice of Request for Proposal (RFP)/Bidders Conference

Competitive sealed proposals for the designation of Community Care for the Elderly Lead Agencies will be received by the Mid-Florida Area Agency on Aging dba Elder Options until 5:00 p.m. on December 11, 2017. The Community Care for the Elderly Lead Agency designation includes the provision of an array of home and community based services to frail older persons. A Community Care for the Elderly Lead Agency will



be designated for each county in Planning and Service Area 3. These counties are: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union. The Community Care for the Elderly program is administered pursuant to provisions of Chapter 430, F.S. Contracts are awarded contingent upon the availability of funds.

Details for the RFP are available on the Elder Options website ([www.agingresources.org](http://www.agingresources.org)) under the “NEWS” section beginning November 1, 2017. Elder Options reserves the right to reject any and all proposals.

A Bidders Conference will be conducted concerning this Request for Proposal at 2:00 p.m. on November 6, 2017 at the office of Elder Options, located at 100 SW 75 Street, Suite 301, Gainesville, Florida 32607.

A Notice of Intent must be submitted, per instructions in the RFP, by 5:00 p.m. on November 13, 2017 by each entity that intends to submit an RFP. In the event less than two Notices of Intent are received per county, per Ch. 287, F.S., the Area Agency on Aging will institute the Exceptional Purchase provisions for a single source contract.

## Section XII Miscellaneous

### DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Wednesday, October 11, 2017 and 3:00 p.m., Tuesday, October 17, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, [FLRules.org](http://FLRules.org), which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
5F-1.030	10/11/2017	10/31/2017
5F-1.040	10/11/2017	10/31/2017
5F-1.050	10/11/2017	10/31/2017
5F-1.070	10/11/2017	10/31/2017
5F-3.001	10/11/2017	10/31/2017
5F-3.016	10/11/2017	10/31/2017
5F-4.001	10/11/2017	10/31/2017
5F-5.001	10/11/2017	10/31/2017

5F-5.001	10/11/2017	10/31/2017
5F-7.005	10/11/2017	10/31/2017
5F-12.001	10/11/2017	10/31/2017
5F-13.001	10/11/2017	10/31/2017
5J-6.005	10/11/2017	10/31/2017
5J-6.013	10/11/2017	10/31/2017
5J-6.014	10/11/2017	10/31/2017
5J-6.015	10/11/2017	10/31/2017
5J-26.001	10/11/2017	10/31/2017
5K-4.002	10/11/2017	10/31/2017
5M-1.001	10/12/2017	11/1/2017
5M-1.008	10/12/2017	11/1/2017
5M-1.009	10/12/2017	11/1/2017
58AER17-2	10/12/2017	10/12/2017
61-30.301	10/11/2017	10/31/2017
61-30.403	10/11/2017	10/31/2017
61-31.301	10/11/2017	10/31/2017
61-32.002	10/16/2017	11/5/2017
61G5-24.009	10/17/2017	11/6/2017
61G10-12.002	10/17/2017	11/6/2017
61G16-3.001	10/11/2017	10/31/2017
61N-1.016	10/13/2017	11/2/2017
61N-1.018	10/13/2017	11/2/2017
61N-1.0245	10/13/2017	11/2/2017
64B8-3.002	10/17/2017	11/6/2017
64B8-4.009	10/17/2017	11/6/2017
64B-9.001	10/16/2017	11/5/2017
64B9-8.005	10/12/2017	11/1/2017
64B14-5.005	10/17/2017	11/6/2017
64B16-28.301	10/16/2017	11/5/2017
64B16-28.501	10/16/2017	11/5/2017
64B16-28.608	10/16/2017	11/5/2017

64B16-28.802	10/16/2017	11/5/2017
64B19-13.003	10/12/2017	11/1/2017
64E-3.0034	10/16/2017	11/5/2017
68A-27.005	10/16/2017	11/5/2017
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Certificate of Need**  
**LETTERS OF INTENT**

The Agency for Health Care Administration received and accepted the following letters of intent for the November 15, 2017 application filing date for the Other Beds and Programs batching cycle:

County: Escambia District: 1-1  
 Date Filed: 10/16/2017 LOI #: N1710001  
 Facility/Project: PruittHealth – Escambia County, LLC  
 Applicant: PruittHealth – Escambia County, LLC  
 Project Description: Establish a new community nursing home of up to 120 beds

County: Santa Rosa District: 1-1  
 Date Filed: 10/16/2017 LOI #: N1710002  
 Facility/Project: PruittHealth – Escambia County, LLC  
 Applicant: PruittHealth – Escambia County, LLC  
 Project Description: Establish a new community nursing home of up to 120 beds

County: Lake District: 3-7  
 Date Filed: 10/16/2017 LOI #: N1710003  
 Facility/Project: Innovative Medical Management Solutions, LLC  
 Applicant: Innovative Medical Management Solutions, LLC  
 Project Description: Add 20 community nursing home beds

County: Duval District: 4-1  
 Date Filed: 10/16/2017 LOI #: N1710004  
 Facility/Project: First Coast Health Ventures, LLC  
 Applicant: First Coast Health Ventures, LLC  
 Project Description: Add five community nursing home beds

County: Pasco District: 5-1  
 Date Filed: 10/16/2017 LOI #: N1710005  
 Facility/Project: Blue Heron Health and Rehabilitation, LLC  
 Applicant: Blue Heron Health and Rehabilitation, LLC  
 Project Description: Add 42 community nursing home beds

County: Hillsborough District: 6-1  
 Date Filed: 10/16/2017 LOI #: N1710006  
 Facility/Project: Premier Living Centers, Inc.  
 Applicant: Premier Living Centers, Inc.  
 Project Description: Establish a new 105-bed community nursing home

County: Hillsborough District: 6-1  
 Date Filed: 10/16/2017 LOI #: N1710007  
 Facility/Project: Sun Terrace Health Care Center  
 Applicant: Sun City Center Associates, LTD (L.P.)  
 Project Description: Add up to 105 community nursing home beds

County: Orange District: 7-2  
 Date Filed: 10/16/2017 LOI #: N1710008  
 Facility/Project: Conway Lakes Health and Rehabilitation Center  
 Applicant: Conway Lakes NC, LLC  
 Project Description: Add up to 110 community nursing home beds

County: Orange District: 7-2  
 Date Filed: 10/16/2017 LOI #: N1710009  
 Facility/Project: Conway Lakes Health and Rehabilitation Center  
 Applicant: Conway Lakes NC, LLC  
 Project Description: Establish a new community nursing home of up to 110 beds

County: Orange District: 7-2  
 Date Filed: 10/16/2017 LOI #: N1710010  
 Facility/Project: Westminster Towers  
 Applicant: Presbyterian Retirement Communities, Inc.  
 Project Description: Add 24 community nursing home beds through the conversion of 24 sheltered nursing home beds

County: Orange District: 7-2  
 Date Filed: 10/16/2017 LOI #: N1710011

Facility/Project: Westminster Winter Park  
 Applicant: Presbyterian Retirement Communities, Inc.  
 Project Description: Add 11 community nursing home beds through the conversion of 11 sheltered nursing home beds

County: Seminole District: 7-4  
 Date Filed: 10/16/2017 LOI #: N1710012  
 Facility/Project: Premier Living Centers, Inc.  
 Applicant: Premier Living Centers, Inc.  
 Project Description: Establish a new 61-bed community nursing home

County: Miami-Dade District: 11-1  
 Date Filed: 10/16/2017 LOI #: N1710013  
 Facility/Project: DG Miami Lakes SNF, LLC  
 Applicant: DG Miami Lakes SNF, LLC  
 Project Description: Establish a new community nursing home of up to 84 beds

County: Orange District: 7-SA3  
 Date Filed: 10/16/2017 LOI #: N1710014  
 Facility/Project: Arnold Palmer Medical Center  
 Applicant: Orlando Health, Inc.  
 Project Description: Establish a pediatric heart transplantation program

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 27, 2017, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on November 22, 2017.

DEPARTMENT OF FINANCIAL SERVICES  
 Division of State Fire Marshal  
 List of Approved Sparklers for February 1, 2018 until January 31, 2019  
 In accordance with Florida Statute 791.013(1), the State Fire Marshal has published the 2018/2019 List of Approved Sparklers, that is required to be published in the Florida Administrative Weekly and distributed to all sheriffs and police chiefs with copies of the list also made available to the public. The List of Approved Sparklers contains a list of all sparkler products approved for sale to the public from February 1, 2018 until January 31, 2019.

NAME COOL BREEZE  
 BRAND TNT  
 DESCRIPTION 4 X 2-3/8 MULTI TUBE CYLINDER  
 NAME DANCING LIGHTS  
 BRAND TNT  
 DESCRIPTION 6-1/2 X 6-1/4 MULTI TUBE CYLINDER

NAME INFERNO  
 BRAND TNT  
 DESCRIPTION 8 X 3-3/8 X 3/4 SINGLE TUBE CYLINDER  
 NAME MERCENARY  
 BRAND TNT  
 DESCRIPTION 5 7/8 X 5-1/4 X 4 MULTI TUBE CYLINDER  
 NAME #8 GOLD SPARKLER  
 BRAND TNT  
 DESCRIPTION 7 1/4 X 1/8 WIRE SPARKLER DIPPED  
 NAME KOOL KAT  
 BRAND TNT  
 DESCRIPTION 4 X 2-3/8 X 2-3/8 MULTI TUBE CYLINDER  
 NAME HAPPY TROLLS  
 BRAND TNT  
 DESCRIPTION 6-1/2 X 6-1/4 MULTI TUBE CYLINDER  
 NAME USA ROCKET FOUNTAIN  
 BRAND TNT  
 DESCRIPTION 7 X 2-3/8 X 1 SINGLE TUBE CYLINDER  
 NAME ERUPTOR  
 BRAND TNT  
 DESCRIPTION 8 X 3-3/8 X 3/4 SINGLE TUBE CYLINDER  
 NAME HOT POINT  
 BRAND TNT  
 DESCRIPTION 5-7/8 X 4-1/4 X 3 MULTI TUBE CYLINDER  
 NAME RENEGADE  
 BRAND TNT  
 DESCRIPTION 5 X 5 X 2 MULTI TUBE CYLINDER  
 NAME MAD TROLLS  
 BRAND TNT  
 DESCRIPTION 7-3/4 X 4 X 3-1/2 MULTI TUBE CYLINDER  
 NAME BEST TIME  
 BRAND TNT  
 DESCRIPTION 6 X 4 X 3 MULTI TUBE CYLINDER  
 NAME SCREAMING GHOUL  
 BRAND TNT  
 DESCRIPTION 8-7/8 X 3 X 3 MULTI TUBE CYLINDER  
 NAME NIGHT DEVIL  
 BRAND TNT  
 DESCRIPTION 7 X 3.5 X 3.5 MULTI TUBE CYLINDER  
 NAME SHIELD  
 BRAND TNT

DESCRIPTION	5 X 2 X 4 MULTI TUBE CYLINDER	NAME	GLOVES OFF
NAME	BLAZER	BRAND	TNT
BRAND	TNT	DESCRIPTION	7 X 4 X 4 MULTI TUBE CYLINDER
DESCRIPTION	5 X 2 X 4 MULTI TUBE CYLINDER	NAME	LASER MASTER
NAME	KEEP WATCH	BRAND	TNT
BRAND	TNT	DESCRIPTION	5 X 3 MULTI TUBE CYLINDER
DESCRIPTION	6 X 3.5 X 3.5 MULTI TUBE CYLINDER	CONE	
NAME	MAD MAX	NAME	SET IN MOTION
BRAND	TNT	BRAND	TNT
DESCRIPTION	5 X 2-3/4 MULTI TUBE CYLINDER	DESCRIPTION	7-7/8 X 4 X 3-1/2 MULTI TUBE CYLINDER
NAME	GET ON UP	NAME	ULTIMATE LIGHTS
BRAND	TNT	BRAND	TNT
DESCRIPTION	7.5 X 3.5 MULTI TUBE CYLINDER	DESCRIPTION	7-3/4 X 3-1/2 MULTI TUBE CYLINDER
NAME	MARS LANDING	NAME	TWILIGHT NIGHT
BRAND	TNT	BRAND	TNT
DESCRIPTION	6 X 4 MULTI TUBE CYL	DESCRIPTION	5 X 3.5 MULTI TUBE CYLINDER
NAME	FREEDOM	NAME	AMERICAN PARTY
BRAND	TNT	BRAND	TNT
DESCRIPTION	7-7/8 X 5-1/8 X 4-1/8 MULTI TUBE CYL	DESCRIPTION	7 X 4 X 4-3/4 MULTI TUBE CYLINDER
NAME	SHOW UP	NAME	BETTER THAN EVER
BRAND	TNT	BRAND	TNT
DESCRIPTION	5 X 3.5 X 3.5 MULTI TUBE CYL	DESCRIPTION	7 X 4 MULTI TUBE CYLINDER
NAME	LIGHTNING BOMB	NAME	METEOR MAN
BRAND	TNT	BRAND	TNT
DESCRIPTION	5-7/8 X 4 MULTI TUBE CYLINDER	DESCRIPTION	7-3/4 X 4-1/2 4 MULTI TUBE CYLINDER
NAME	ASPHALT COCKTAIL	NAME	BRILLIANT SHOWER
BRAND	TNT	BRAND	WINDA
DESCRIPTION	7-7/8 X 3.5 X 3.5 MULTI TUBE CYL	DESCRIPTION	FOUNTAIN
NAME	THE NITE THRILLER	NAME	LITTLE MONSTERS
BRAND	TNT	BRAND	WINDA
DESCRIPTION	5X3 MULTI TUBE CYLINDER	DESCRIPTION	LITTLE CONES
NAME	OVERBOARD	NAME	SPRING BLOSSOM
BRAND	TNT	BRAND	WINDA
DESCRIPTION	5 X 2 X 4 MULTI TUBE CYLINDER	DESCRIPTION	CONE
NAME	BRIGHT LIGHTS	NAME	LOTUS LANTERN
BRAND	TNT	BRAND	WINDA
DESCRIPTION	5 X 2-3/4 X 8 MULTI TUBE CYLINDER	DESCRIPTION	SPINNERS 4/BOX
NAME	ROCKDOWN	NAME	SAY CHEESE
BRAND	TNT	BRAND	WINDA
DESCRIPTION	7-7/8 X 4-1/2 X 4 MULTI TUBE CYLINDER	DESCRIPTION	CAMERA FOUNTAIN
NAME	OBSESSED	NAME	COLOR SMOKE GRENADES
BRAND	TNT	BRAND	BRIGHT STAR
DESCRIPTION	6 X 4-1/2 X 4 MULTI TUBE CYLINDER	DESCRIPTION	SMOKE GRENADES
NAME	HOLD YOUR BREATH	NAME	KOI POND
BRAND	TNT	BRAND	WINDA
DESCRIPTION	6-7/8 X 4-1/4 X 4 MULTI TUBE CYL	DESCRIPTION	FISH FOUNTAIN
		NAME	HAPPY PANDA

BRAND WINDA  
 DESCRIPTION LARGE FOUNTAIN W/EYES  
 NAME JUMBO MORNING GLORY  
 BRAND WINDA  
 DESCRIPTION MORNING GLORY SPARKLER  
 NAME SCREAMING STAR  
 BRAND WINDA  
 DESCRIPTION SPINNING FOUNTAIN  
 NAME KID’S DELIGHT  
 BRAND WORLD CLASS  
 DESCRIPTION ASSORTMENT  
 NAME NEON LIGHTS  
 BRAND WORLD CLASS  
 DESCRIPTION ASSORTMENT  
 NAME ALLSTAR BAG  
 BRAND BOOMER  
 DESCRIPTION ASSORTMENT  
 NAME FROG PRINCE/PRINCESS  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING DEVICE  
 NAME FANTASY  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING FOUNTAIN  
 NAME CLIMBING PANDA  
 BRAND BOOMER  
 DESCRIPTION NOVELTY ITEM  
 NAME FOOLS GOLD  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING DEVICE  
 NAME FROG  
 BRAND BOOMER  
 DESCRIPTION NOVELTY ITEM  
 NAME MEDUSA  
 BRAND WORLD CLASS  
 DESCRIPTION NOVELTY ITEM  
 NAME MID SUMMER DREAM  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLER FOUNTAIN  
 NAME POOPY PUPPY  
 BRAND WORLD CLASS  
 DESCRIPTION NOVELTY ITEM  
 NAME SMOKE BALL  
 BRAND WORLD CLASS  
 DESCRIPTION SMOKE DEVICE  
 NAME JUMBO COLOR SMOKE BALL  
 BRAND WORLD CLASS  
 DESCRIPTION SMOKE DEVICE  
 NAME ASSORTED COLOR SMOKE TUBE  
 BRAND WORLD CLASS  
 DESCRIPTION SMOKE DEVICE  
 NAME TEAPOT

BRAND BOOMER  
 DESCRIPTION NOVELTY ITEM  
 NAME WONDERFUL SURPRISE  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING FOUNTAIN  
 NAME SWEETS  
 BRAND BOOMER  
 DESCRIPTION SPARKLING FOUNTAIN  
  
 NAME FLOURESCENT SPARKLER 20  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING DEVICE  
 NAME FLOURESCENT SPARKLER 30  
 BRAND WORLD CLASS  
 DESCRIPTION SPARKLING DEVICE  
 NAME 10” GOLD SPARKLER  
 BRAND WORLD CLASS  
 DESCRIPTION 10” SPARKLING DEVICE  
 NAME 20” GOLD SPARKLER  
 BRAND WORLD CLASS  
 DESCRIPTION 20” SPARKLING DEVICE

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**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.

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