

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Specialization Requirements for Certification in Primary Education (Grades K-3) – Academic Class	6A-4.014
Specialization Requirements for Certification in Elementary Education (Grades 1-6) – Academic Class	6A-4.015
Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class	6A-4.0171
Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class	6A-4.0173
Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class	6A-4.0174
Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class	6A-4.0175
Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class	6A-4.0177
Specialization Requirements for the Prekindergarten Handicapped Endorsement – Academic Class	6A-4.01792
Specialization Requirements for the Endorsement in Middle Grades – Academic Class	6A-4.0232
Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) – Academic Class	6A-4.0233
Specialization Requirements for Certification in Separate Areas of Language Other than English (Grades K-12) – Academic Class	6A-4.0243
Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class	6A-4.028
Specialization Requirements for the Endorsement in Adaptive Physical Education – Academic Class	6A-4.0281
Specialization Requirements for Certification in School Food Service (Grades PK-12) – Specialty Class	6A-4.030
Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) – Academic Class	6A-4.0322
Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate	

Areas of Social Science (Grades 6-12) – Academic Class 6A-4.0332

PURPOSE AND EFFECT: The rules listed above governing subject specialization requirements for Florida educator certification are to be reviewed in order to streamline the certification process and to reduce the number of certification coverages. The effect will be rules that conform to Florida Statutes and that eliminate unnecessary barriers to certification for qualified applicants.

SUBJECT AREA TO BE ADDRESSED: Subject area specialization requirements for Florida Educator Certification.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(11) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 6:00 p.m., Monday, June 25, 2001

PLACE: Orange County School Board, 445 West Amelia Street, Board Rooms A & B, Orlando, Florida 32801

TIME AND DATE: 2:00 p.m. – 6:00 p.m., Wednesday, June 27, 2001

PLACE: Panhandle Area Education Consortium, 753 West Boulevard, Chipley, Florida 32428

TIME AND DATE: 2:00 p.m. – 6:00 p.m., Wednesday, July 11, 2001

PLACE: Duval County School Board, 1701 Prudential Drive, Board Room, Jacksonville, Florida 32207

TIME AND DATE: 2:00 p.m. – 6:00 p.m., Wednesday, July 18, 2001

PLACE: Palm Beach County School Board, 3364 Forrest Hill Boulevard, West Palm Beach, Florida 33406

TIME AND DATE: 2:00 p.m. – 6:00 p.m., Thursday, July 19, 2001

PLACE: Velasco Student Services Center, 1202 East Palm Avenue, Tampa, Florida 33605

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Ashburn, Director, Division of Professional Educators, Department of Education, Room 203, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-3663

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

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-24.001
Definitions	12-24.002
General Requirement	12-24.003
Payor Information	12-24.004
Methods of Electronic Fund Transfer	12-24.005

Means of Communication to Report
 Payment Information 12-24.006
 Payment Transmission Errors 12-24.007
 Procedures for Payment 12-24.008
 Due Date; General Provisions 12-24.009
 General Administrative Provisions 12-24.010
 Scope 12-24.021
 Recordkeeping Requirements – General 12-24.023
 Recordkeeping Requirements – Machine-Sensible Records 12-24.024
 Records Maintenance Requirements 12-24.025
 Access to Machine-Sensible Records 12-24.026
 Taxpayer Responsibility and Discretionary Authority 12-24.027
 Alternative Storage Media 12-24.028
 Effect of Hardcopy Recordkeeping Requirements 12-24.029
 Records Retention – Time Period 12-24.030

PURPOSE AND EFFECT: A) The proposed amendments to Rule 12-24.001, F.A.C. (Scope) clarify that the Department’s rules concerning electronic funds transfer (EFT) and electronic data interchange (EDI) apply to the taxes imposed on dealers of communications services pursuant to chapter 202, F.S. B) The proposed changes to Rule 12-24.002, F.A.C. (Definitions) revise and update the taxes subject to EFT. C) The proposed revisions to Rule 12-24.003, F.A.C. (General Requirements) delete obsolete provisions concerning taxpayers subject to EFT requirements; and, specify the conditions under which dealers of communications services must file the taxes imposed by chapter 202, F.S., by EFT. D) The suggested amendments to Rule 12-24.004, F.A.C. (Payor Information) revise references to the forms used by taxpayers subject to EFT, eliminate references to the specific information to be provided on such forms, and clarify how forms can be obtained. E) The suggested changes to Rule 12-24.005, F.A.C. (Methods of Electronic Funds Transfer) update the name and address of the Department office responsible for EFT procedures and delete an unnecessary statement concerning the ACH credit method of EFT payment. F) The suggested revisions to Rule 12-24.006, F.A.C. (Means of Communication to Report Payment Information) ensure that new forms of technology can be employed for EFT purposes. G) The recommended amendments to Rule 12-24.007, F.A.C. (Payment Transmission Errors) make technical changes to conform this rule to the changes in other rules. H) The recommended changes to Rule 12-24.008, F.A.C. (Procedures for Payment) revise the payment information taxpayers must include when they initiate an EFT payment using the ACH debit method; clarify the examples used to illustrate how an EFT ACH debit transaction is correctly submitted; explain the information that must be submitted if the taxpayer is granted permission to use the ACH credit method; revise the example explaining how an EFT ACH credit method is submitted; and, explain how and under what circumstances a taxpayer may submit a tax

payment by wire transfer. I) The recommended revisions to Rule 12-24.009, F.A.C. (Due Date; General Provisions) expand the discussion for the compromise or settlement of tax, interest, and penalties imposed for late EFT payments; require taxpayer to submit a written explanation of why an EFT payment is not timely; and explain that pursuant to ss. 202.28 and 202.30, failure by a dealer of communications services to properly remit the taxes imposed by chapter 202, F.S., to the Department are not authorized to claim the dealer collection allowance. J) The proposed amendments to Rule 12-24.010, F.A.C. (General Administrative Provisions) update the name and address of the Department office responsible for EFT procedures and removes a statement that the Department will accept certain faxes in lieu of an original, since this provision has been moved to Rule 12-24.004, F.A.C. K) The proposed changes to Rule 12-24.021, F.A.C. (Scope) are technical. L) The proposed revisions to Rule 12-24.023, F.A.C. (Recordkeeping Requirements – General) revise references to the forms used by taxpayers subject to EDI and explain that pursuant to ss. 202.28 and 202.30, failure by a dealer of communications services to properly remit the tax returns required by chapter 202, F.S., to the Department by EDI are not authorized to claim the dealer collection allowance. M) The suggested amendments to Rules 12-24.024, F.A.C. (Recordkeeping Requirements – Machine-Sensible Records), 12-24.025, F.A.C. (Records Maintenance Requirements), 12-24.026, F.A.C. (Access to Machine-Sensible Records), 12-24.027, F.A.C. (Taxpayer Responsibility and Discretionary Authority), 12-24.028, F.A.C. (Alternative Storage Media), 12-24.029, F.A.C. (Effect on Hardcopy Recordkeeping Requirements), and 12-24.030, F.A.C. (Records Retention – Time Period), make technical changes to the existing rule text and conform these provisions to the proposed changes contained elsewhere in these proposed rules.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address the procedures a taxpayer must follow to comply with the statutory requirements for the remittance of taxes by EFT and the filing of returns by EDI.

SPECIFIC AUTHORITY: 202.26(3)(a), 202.30(1), 212.06(1)(a), 213.06(1) FS.

LAW IMPLEMENTED: 202.30, 213.34, 213.35, 213.755 FS.

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

TIME AND DATE: 10:00 a.m., June 26, 2001

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such

proceeding by contacting Jamie Phillips, (850)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-24.001 Scope of Rules.

Part I of this rule chapter sets forth the rules to be used by the Department of Revenue in the administration of ss. 202.30 and 213.755, F.S., authorizing the Executive Director to require ~~certain~~ taxpayers specified by statute to remit taxes by electronic transfer of funds. If there is a conflict between these rules and any other rules applicable to taxes subject to electronic funds transfer, these rules shall govern.

Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History—New 12-19-89, Amended 10-24-96,_____.

12-24.002 Definitions.

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

(1) through (15) No change.

(16) "Tax type" means a tax which is subject to EFT, each of which shall be considered a separate category of payment. The tax types for which taxpayers will be required to pay amounts due by EFT are as follows:

(a) Taxes administered under ~~Part I,~~ Chapter 212, F.S., and those taxes and fees reported on the DR-15 form series, including sales and use tax, local option taxes, surcharges, ~~and~~ surtaxes, and solid waste fees;

(b) Corporate income/franchise tax (Chapter 220, F.S.) and emergency excise tax (Chapter 221, F.S.), reported on Form F-1120, including the required estimated tax payments (F-1120ES) and tentative tax payments (F-7004);

(c) Taxes on motor fuel, ~~diesel special~~ diesel special fuel, liquefied petroleum gas, aviation fuel, and pollutants, including local option ~~Part II, Chapter 212, F.S., all~~ taxes reported under Chapter 206, F.S., ~~and local option taxes collected pursuant to Chapter 336, F.S.~~ (Form ~~3096 DR-115 series, DR-119 series, DR-120, DR-121, or DR-904;~~

(d) Gross receipts tax (Chapter 203, F.S.) reported on Form DR-133;

(e) All taxes reported on Forms DR-907 and DR-908, including insurance premium taxes and regulatory assessments subject to the provisions of Chapter 624, F.S., the excise tax on

property insurance (s. 175.101, F.S.), and the excise tax on casualty insurance (s. 185.08, F.S.); ~~and the insurance policy surcharge (s. 252.37, F.S.);~~

(f) Intangible personal property taxes (Chapter 199, F.S.) as reported on Form DR-601C; ~~or Form DR-601AC;~~

(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(I) Communication services tax (Chapter 202, F.S.) reported on Form DR-70016 and substitute communications system tax (Chapter 202, F.S.) reported on Form DR-70017.

(17) through (19) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History—New 12-19-89, Amended 1-8-91, 10-24-96,_____.

12-24.003 General Requirements.

~~(1) Under the authority granted to the Executive Director of the Department under s. 213.755, F.S., a taxpayer who is subject to a tax and has paid that tax in the prior state fiscal year in an amount of \$50,000 or more can be required to remit current taxes by electronic funds transfer.~~

~~(1)(2) Any taxpayer Effective January 1, 1990, the Department will implement an EFT program which will require certain taxpayers subject to the following taxes who has paid that tax in the prior state fiscal year in an amount of \$50,000 or more must to remit tax payments by electronic funds transfer:~~

(a) Sales and use tax, local option sales taxes, surcharges, ~~and~~ surtaxes, and solid waste fees;

(b) Corporate income/franchise tax and emergency excise tax;

(c) Motor fuel, ~~diesel special~~ diesel special fuel, liquefied petroleum gas, aviation fuel, oil and gas production, and pollutants taxes;

(d) Local option fuel tax;

(e) Insurance premium taxes and assessments; ~~and~~

(f) Gross receipts tax;

(g) Intangible personal property tax;

(h) Severance taxes and Miami-Dade Lake Belt Mitigation Fee; and

(I) Documentary stamp tax.

~~(2) Any taxpayer who is required to pay the communications services tax or the substitute communications systems tax must remit tax payments by electronic funds transfer in the following manner:~~

~~(a)1. Any taxpayer who has paid taxes imposed under Chapter 212, F.S. (Sales and Use Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds~~

transfer beginning with the communications services tax or substitute communications systems tax return due on February 1, 2002.

2. Any taxpayer who has paid taxes imposed under Chapter 203, F.S. (Gross Receipts Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2001, through June 30, 2002, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(b) Any taxpayer who has paid a combined amount of taxes discussed in paragraph (a) of this subsection in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(c) Any taxpayer who pays communications services tax or substitute communications systems tax in the amount of \$50,000 or more for the state fiscal year ending June 30, 2002, or in any state fiscal year thereafter, must remit tax payments by electronic funds transfer for taxes due during the succeeding calendar year.

(3) Effective January 1, 1991, the Department will require certain persons subject to intangible personal property tax and required to file Form DR-601C or Form DR-601AC to remit tax payments by electronic funds transfer.

(4) The Department will make an annual determination of those taxpayers who will be required to pay a tax electronically based on prior year payment thresholds:

(a) Beginning January 1, 1990, taxpayers who are subject to a tax type enumerated in Rule 12-24.003(2), F.A.C., and who have paid that tax type in the amount of \$200,000 or more in calendar year 1988 shall be required to pay that tax type through electronic funds transfer.

(b) Beginning January 1, 1991, all taxpayers who are subject to a tax type enumerated in Rule 12-24.002(16), F.A.C., and who have paid that tax type in the amount of \$100,000 or more in the preceding state fiscal year (FY 89/90) shall be required to pay that tax type through electronic funds transfer.

(c) Effective January 1, 1992, all taxpayers who are subject to a tax type enumerated in Rule 12-24.002(16), F.A.C., and who have remitted that tax type in the preceding state fiscal year (FY 90/91) in the amount of \$50,000 or more shall be required to make payments of that tax type through electronic funds transfer.

(5) All taxpayers selected for the EFT program shall participate for a minimum of one calendar year. During this period, taxpayers shall not be added to the list of required participants. Persons selected on the basis of prior year tax payments will be contacted by the Department at their last

address of record. Once selected for the EFT requirement, the taxpayer must electronically transmit all payments for that tax type as provided in this rule.

(a) Sales and use tax B Parts I and II, Chapter 212, F.S., including local option sales taxes, surcharges, and surtaxes reported on the DR-15 form series:

1. Taxpayers who are subject to the provisions of s. 212.11(6), F.S., are required to remit payments of estimated sales tax and actual sales tax due through EFT.

2. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

3. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

4. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(b) Corporate income/franchise tax and emergency excise tax B Chapters 220 and 221, F.S.:

1. For taxpayers selected under the \$200,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1989. For example, for taxpayers with a taxable year ending December 31, 1989, the first required EFT payment is the balance of the tax or tentative tax payable on or before April 1, 1990. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

2. For taxpayers selected under the \$100,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1990. For example, for taxpayers with a taxable year ending December 31, 1990, the first required EFT payment is the balance of tax or tentative tax payable on or before April 1, 1991. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

3. For taxpayers selected under the \$50,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1991. For example, for taxpayers with a taxable year ending December 31, 1991, the first required EFT payment is the balance of tentative tax payable on or before April 1, 1992. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

(c) Motor fuel, special fuel, aviation fuel and pollutants taxes B Chapter 206, F.S.:

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(d) Local Option Fuel Tax B Chapter 336, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(e) Gross Receipts Tax B Chapter 203, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 28, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 28, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 29, 1992, for the applied period ending January 31, 1992.

(f) Insurance premium taxes and assessments B Chapter 624, F.S., and ss. 175.101 and 185.08, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before March 1, 1990, for the applied period ending December 31, 1989.

2. For taxpayers selected under the \$100,000 threshold, the first payment due using EFT is that tax payable on or before March 1, 1991, for the applied period ending December 31, 1990.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before March 1, 1992, for the applied period ending December 31, 1991.

(g) Intangible personal property taxes B Chapter 199, F.S.

1. For certain persons selected under the \$100,000 threshold, the first required payment due using EFT is the annual tax assessed on January 1, 1991, due and payable on or before June 30, 1991.

2. For certain persons selected under the \$50,000 threshold, the first required payment due using EFT is the annual tax assessed on January 1, 1992, due and payable on or before June 30, 1992.

Specific Authority 202.26(3)(a), 202.30(1), 212.06(1)(a), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93, _____.

12-24.004 Payor Information.

(1) The ACH debit system ~~is~~ will be the primary EFT method required of taxpayers selected to remit funds by electronic funds transfer. The ACH credit system is a payment method available only as an exception to taxpayers who qualify under the provisions of Rule 12-24.005, F.A.C. Wire transfer is an alternative method of EFT available to taxpayers only as an exception under the provisions of Rule 12-24.008(3), F.A.C.

(2)(a) On or before November 1st, the Department will notify every taxpayer required to remit a tax by EFT in the upcoming calendar year, and mail a written notice and shall include with such notification a Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System an Electronic Funds Transfer authorization Form (Form DR-600F DR-600) and a Florida EFT Program Electronic Tax Payment Calendar (Form DR-659) to all taxpayers required to remit a tax by EFT in the upcoming calendar year.

(b) A taxpayer who wishes to use the ACH credit method in lieu of the ACH debit method must file a written request with the Department for permission to use the ACH credit method prior to December 1, as provided in Rule 12-24.005, F.A.C.

(3) Upon receipt of the Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F) Electronic Funds Transfer Authorization Form, the taxpayer must complete the form and return it to the Department by December 1. Pertinent payor information provided with Form DR-600F Form DR-600 will be furnished to the State Treasurer's bank and the Data Collection Center. ~~The information required to be provided with Form DR-600 includes:~~

- (a) Payor name;
- (b) Payor address;
- (c) Tax identification number;
- (d) Tax type;
- (e) Contact person (title and telephone number);
- (f) Bank name;
- (g) Bank address;

- (h) ~~Bank transit/routing number;~~
- (i) ~~Bank account number;~~
- (j) ~~Signature of person authorized to sign checks; and~~
- (k) ~~Verification of both the bank transit/routing number and bank account number by a bank representative.~~

(4) Upon receipt of payor information from the Department, the Data Collection Center shall assign a confidential payor identification number directly to the taxpayer to be used by the taxpayer when communicating payment information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the first required payment is due under the EFT program for all accounts who timely file the Form DR-600F ~~Form DR-600~~ with the Department.

(5) A taxpayer must provide at least 30 days advance written notice of any change of information required with the electronic funds transfer authorization form by submitting a revised Form DR-600F ~~DR-600~~ to the Department.

(6)(a) The Department prescribes Form DR-600F ~~Form DR-600~~, Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (r. 10/00), Form DR-659, Florida EFT Program Electronic Tax Payment Calendar (r. 10/00), and Form DR-653, Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System (r. 10/00) ~~Funds Transfer Authorization Form, dated December 1992, as the forms form to be used for the purposes of this chapter and hereby incorporates these forms this form by reference. Copies of these forms this form may be obtained, without cost, by one or more of the following methods: 1) writing the Florida written request to the Department of Revenue, Forms Distribution Center, 168 Blountstown Highway Division of Taxpayer Assistance, Bureau of Tax Information and Media Services, P. O. Box 7443, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at 850-922-2208; or 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>) 32399-7443. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

(b) The Department will accept facsimile transmissions of requests (form DR-600F) at telephone number (850)922-5088.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93,_____.

12-24.005 Methods of Electronic Fund Transfer.

(1) The Department will utilize the ACH debit transfer as the method by which ~~certain large~~ taxpayers subject to EFT requirements shall remit taxes by electronic funds transfer.

(2) ~~However, the~~ ~~The~~ Executive Director or the Executive Director's designee will grant taxpayers permission to use the ACH credit method on a case by case basis, as an exception to the required use of the ACH debit method.

(a) A taxpayer who requests permission to use the ACH credit method must submit a written request to the Department, by December 1, which demonstrates the existence of a valid business operational reason for using the ACH credit method in lieu of the ACH debit method. A taxpayer who is already using the ACH credit method is deemed to have a valid business reason for using the ACH credit method to remit payments of Florida taxes.

(b) The written request to use the ACH credit method shall be filed with the E-Services Unit EFT Section, Division of Tax Processing, Florida Department of Revenue, P. O. Box 5885 Post Office Box 2096, Tallahassee, Florida 32314-5885 32316-2096, by December 1. The Department will accept facsimile transmissions of requests at telephone number (850)922-5088. Taxpayers will be notified of the Department's decision within the month of January.

~~(c) Use of the ACH credit method by a taxpayer will be conditioned upon the taxpayer's agreement to provide payment information to the Data Collection Center as provided in these rules.~~

~~(c)(d)~~ The Department reserves the right to revoke the ACH credit method payment privilege of any taxpayer who: does not consistently transmit error-free payments; or substantially varies from the requirements and specifications of these rules; or repeatedly fails to make timely EFT payments or timely provide payment information; or, repeatedly fails to provide the required addenda record with the EFT payment.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93,_____.

12-24.006 Means of Communication to Report Payment Information.

Taxpayers who participate in the electronic funds transfer program shall use one of two means of communicating payment information through the ACH debit method:

(1) Operator-assisted communication of payment information made orally by rotary or touch-tone telephone; or

(2) PC entry communication of payment information with ~~via~~ a computer or other communication device with a modem.

Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History-New 12-19-89, Amended 11-17-93,_____.

12-24.007 Payment Transmission Errors.

(1) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day after to the date on which the error is discovered, contact the E-Services Unit EFT Section at telephone number (850)(904)487-7972 for specific instructions.

(a) If the taxpayer error involves an overpayment of tax, the taxpayer may either elect to have the overpayment applied against the liability for the next reporting period or apply for a refund under the provisions of the applicable tax statute.

(b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment.

(2) In the event a taxpayer using the ACH debit method communicates payment information to the Data Collection Center after 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the taxpayer's account on the next business day following the due date and shall constitute late payment.

(3) Except as provided in these rules or Rule Chapter 12-13, F.A.C., a failure to make a timely EFT payment because of other circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, shall result in the loss of the taxpayer's collection allowance and assessment of the appropriate penalties and interest by the Department.

Cross Reference: Rule 12-24.009, F.A.C.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History—New 12-19-89, Amended 1-8-91, 11-17-93.

12-24.008 Procedures for Payment.

(1) ACH Debit Method.

(a) The taxpayer must report payment information to the Data Collection Center, by the approved means of communication, no later than 3:45 p.m., Eastern Time, on the business day immediately preceding before the due date of the payment. The Data Collection Center must be contacted called, using the specified toll-free number, during the contact call-in period specified in the detailed instructions provided to EFT taxpayers, which include Form DR-659. The Department will bear the costs of processing EFT ACH debit payments through the Data Collection Center. Communication by the taxpayer during the contact call-in period is mandatory to assure the timely posting of the taxpayer's payment on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer is allowed to may communicate payment information for more than one tax type or tax period. However, the taxpayer must initiate payment information for each tax type and for each tax period for which a payment is due. The following payment information is required from the taxpayer:

1. Company and ID number (Payment identification number) Payor information number;
2. Tax payment amount type;
3. Tax period Document type;
4. Payment type amount; and,
5. Verification code Tax period; and
6. Due date.

(c) A confirmation code trace number will be issued at the conclusion of the communication of the payment information for each payment tax type and tax period. This number provides a means of verifying the accuracy of the recorded tax payment and serves as a receipt for the transaction.

(d) Shortly after the expiration of the contact call-in period, the Department will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated to the Data Collection Center during that contact call-in period.

~~(e) The Data Collection Center will provide the State Treasury with summary information on projected cash flows in a mutually agreeable format and frequency.~~

~~(e)(f) Example. A taxpayer who uses the ACH debit method to remit the January, 1990 sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (DR-15, line 14, amount due with return) for the January, 1990 applied period. Prior to the end of the contact call-in period on February 19 (or the last business day prior to the 19th), 1990, the taxpayer must use the toll-free number to contact the Data Collection Center. After establishing contact, the taxpayer will identify the EFT account with the preassigned payment payor identification number and state the tax type (sales and use tax), the payment document type (monthly return), the payment amount (\$12,345), the tax period (January, 1990), and the verification code due date (February 20, 1990). At the end of the communication, the taxpayer will receive a confirmation code trace number which will verify the accuracy of the recorded tax payment and serve as a receipt for the transaction. Payment information involving the ACH debit transfer will be electronically transmitted to the Department on February 19, 1990, shortly after the expiration of the contact call-in period. The actual tax payment of \$12,345, however, will not be posted as collected funds to the Treasurer's account until the following day, February 20, 1990. Taxpayers must file the required return as provided by law and rule. If applicable, in the normal manner, except that the taxpayer must check the box on the return to show payment by EFT.~~

(2)(a) ACH Credit Method. Taxpayers who have been granted permission to use the ACH credit method must contact their own financial institutions and make the arrangements to transfer the tax payment to the state Treasury account using via an ACH credit transfer. The Department will not bear the costs for taxpayers to use the ACH credit method.

(b) To assure the timely receipt of payment of tax, a taxpayer must initiate the payment transaction with its financial institution in time for the payment to be deposited as collected funds to the State Treasury account on or before the appropriate due date.

(c) All ACH credit transfers must be accompanied by a Cash Concentration or Disbursement (CCD) + addenda record, in the format specified by the Department, which includes the following information:

1. Record type code ~~Taxpayer's name;~~
2. Addenda type code ~~Taxpayer's identification number;~~
3. Taxpayer identification ~~Tax type;~~
4. Tax type code ~~Amount/payment type;~~
5. Tax period end date ~~Amount of payment;~~
6. Amount type code ~~Tax period;~~
7. Amount, Name and account of correspondent bank;
8. Name of receiving bank;
9. State Treasury account number; and
10. American Bank Association 9 digit number of receiving bank.

(d) If the taxpayer ~~repeatedly~~ fails more than three times in 12 consecutive calendar months, beginning January 1, 2002, to provide the Department with the required addenda record which conforms to the requirements of this rule ~~the Department~~, the taxpayer will be required to use the ACH debit method.

(e) Example. A taxpayer who uses the ACH credit method to remit the January, ~~1990~~ sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (~~DR-15, line 14,~~ amount due with return) for the January, ~~1990~~ applied period. At a time arranged between the taxpayer and the taxpayer's financial institution, the taxpayer will provide the taxpayer's financial institution with the information necessary to initiate a timely transfer of the January, ~~1990~~ tax payment and an accompanying CCD + addenda record. The timely initiated ACH credit transfer of \$12,345 will be posted as collected funds to the State Treasurer's account on February 20, ~~1990~~. To be timely, the ACH credit transfer of January, ~~1990~~ tax must be deposited to the state Treasury account as collected funds on or before February 20, ~~1990~~. Taxpayers must file the required return as provided by law and rule. If applicable, in the normal manner, ~~except that~~ the taxpayer must check the box on the return to show payment by EFT.

(3) Wire transfer. Taxpayers who, due to circumstances beyond their reasonable control, are unable to initiate a timely payment of tax through the ACH debit method or the ACH credit method may request the Department's permission, on an exception basis, to transmit a payment ~~payments~~ of tax to the State Treasurer's account via wire transfer.

(a) Prior to initiating the transmission, the taxpayer must contact the E-Services Unit Chief or the Assistant Chief of the Bureau of Revenue Processing, or their designee, through the E-Services EFT hotline at telephone number (850)487-7972. The taxpayer must fax a written explanation of present the emergency situation which prevents timely compliance under either the ACH debit method or ACH credit method and must request written approval to wire transfer the tax payment ~~payments~~ in question to the State Treasury account. The E-Services fax number is (850)922-5088.

(b) Taxpayers who are granted written approval to use wire transfer as an exception to either the ACH debit method or ACH credit method will be given specific instructions regarding the payment information that must accompany the wire transfer.

1. All wire transfers must be accompanied by payment information, in addition to an addenda record, in the format specified by the Department, which includes the following information:

- a. Taxpayer's name;
- b. Taxpayer's identification number;
- c. Tax type;
- d. Amount/payment type;
- e. Amount of payment;
- f. Tax period;
- g. Name and account of correspondent bank;
- h. Name of receiving bank;
- i. State treasury account number; and
- j. American Bank Association 9 digit number of receiving bank.

2. The Department will not bear any costs associated with the wire transfer.

(c) Wire transfers which are not received in by the State Treasury account on or before the due date of the transmitted payments of tax will constitute late payment, and the applicable late filing penalties, interest, and loss of collection allowance shall apply.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30(1), 213.755 FS., s. 24, Ch. 90-203, L.O.F. History--New 12-19-89, Amended 1-8-91, 11-17-93, _____.

12-24.009 Due Date; General Provisions.

(1) Taxpayers who are required to remit tax payments through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date under the appropriate revenue law. If a tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 658.70(1), F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of these rules, "banking day" has the meaning prescribed in

s. 658.70(1), F.S. If the date on which the taxpayer is required to initiate either an ACH debit or an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must ~~either~~ initiate the transaction on the preceding business day ~~or wire transfer the funds~~ pursuant to Rule 12-24.008(3), F.A.C.

(2) The EFT method of payment does not change any current filing requirements for tax returns. If the EFT payment is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties, interest, and loss of collection allowance or discount shall apply under the provisions of the appropriate revenue law, except as provided in these rules.

(3) The provisions of s. 213.21, F.S., shall govern the compromise and settlement of any tax, interest, or penalty assessed due to the late payment of an electronically filed payment, except as provided in these rules.

(a) For EFT purposes, "reasonable cause" for the compromise of penalty shall include, in addition to the provisions of s. 213.21, F.S., and Rule Chapter 12-13, F.A.C., the following:

1. The inability to access the EFT system on the required date because of a system failure beyond the reasonable control of the taxpayer;

2. The failure of the EFT system to properly apply a payment; or

3. The failure of the EFT system to issue proper verification of receipt of payment information.

(b) 1. A taxpayer who is required to remit payments under the EFT program and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control shall not be subject to penalty or interest for late payment or loss of collection allowance or discount. The taxpayer must provide a written explanation and supporting documentation to the E-Services Unit concerning any system failure within the banking system/ACH interface.

2. Taxpayers must ensure that they use reasonable and prudent judgement when selecting a banking system or ACH interface to handle their EFT transactions.

(c) Errors made by the Data Collection Center, the State Treasury, or the Department shall not subject the taxpayer to loss of collection allowance or discount, or assessment of penalty or interest for late payment.

(4) During the first 3-month ~~6-month~~ period a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period to taxpayers to resolve problems which arise when new administrative procedures, data systems changes and taxpayer operating procedures are implemented. To qualify for a grace period, the taxpayer must demonstrate in writing to the Department that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date,

or that a mistake or inadvertence prevented timely payment when the taxpayer attempted to correctly and timely initiate an EFT payment.

(5) Pursuant to s. 202.28(1), F.S., dealers of communications services who fail to properly remit the communications services taxes by EFT as required in s. 202.30(1), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper remitting of taxes.

Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.28, 202.30, 212.12, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History-New 12-19-89, Amended _____.

12-24.010 General Administrative Provisions.

(1) Taxpayers who need general information concerning the EFT program can contact the E-Services Unit EFT hotline at ~~telephone (904)(850)487-7972, or the Department's Taxpayer Assistance Section at telephone (904)(850)488-6800~~ or Toll-Free 1-800-352-3671 (Florida only).

(2) Voluntary Inclusion in EFT. Those taxpayers who are required to participate in the EFT program due to a prior year tax liability for a tax type may request permission to also remit other tax types by EFT. Written requests for voluntary inclusion in the EFT program must be filed with the E-Services Unit Department at least 60 days prior to the due date of the payment(s) in question. Taxpayers may terminate voluntary participation by filing a written notice of termination with the E-Services Unit Department at least 60 days prior to the due date of the last EFT payment.

~~(a) Requests for voluntary inclusion and termination notices must be directed to the E-Services Unit EFT Section, Division of Tax Processing, Florida Department of Revenue, P. O. Box 5885 Post Office Box 2096, Tallahassee, Florida 32314-5885 32316-2096.~~

~~(b) The Department will accept facsimile transmissions of requests at telephone (850)922-5088.~~

~~(3) A taxpayer who remits a tax type by EFT shall indicate this fact on the return when it is filed. Solely for the purposes of this rule, "return" means the form designated for filing the report of taxes due for a period, including forms for making installments of estimated tax and tentative tax returns.~~

~~(3)(4) The Data Collection Center and its employees shall be bound by the same confidentiality requirements as the Department under s. 213.053, F.S.~~

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93, _____.

PART II TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS FOR ELECTRONIC DATA INTERCHANGE

12-24.021 Scope.

Rules 12-24.021 ~~through~~ – 12-24.030, F.A.C., define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules address such requirements where all or a part of the taxpayer's records are received, created, maintained or generated through ~~various~~ computer, electronic, and imaging processes and systems. Unless in conflict with the ~~various~~ specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed ~~by~~ ~~for~~ the revenue laws administered by the Department.

Specific Authority ~~202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History–New 10-24-96, Amended _____.~~

12-24.023 Recordkeeping Requirements – General.

(1) A taxpayer shall maintain all records that are necessary to ~~make~~ a determination of the correct tax liability under s. 213.35, F.S. All required records must be made available on request by the Department as provided ~~for~~ in s. 213.34, F.S. Such records shall include, but not be ~~necessarily~~ limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records as ~~may be otherwise~~ required by statute or ~~by~~ rule of ~~this state~~ the Department.

(2) If a taxpayer ~~maintains~~ ~~retains~~ records required to be retained under this ~~Chapter Part~~ in both machine-sensible and hardcopy formats, the taxpayer shall make the records available to the Department in machine-sensible format upon request of the Department.

(3) No change.

(4) ~~The Department shall use Form DR-653 (Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System) to document an agreement with a taxpayer that such taxpayer will file tax reports and returns by electronic transmission.~~

(5) Pursuant to s. 202.28(1), F.S., taxpayers who fail to ~~properly initiate a communications services tax return or a substitute communications systems tax return by electronic data interchange (EDI) as required in s. 202.30(2), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper filing of tax returns.~~

Specific Authority ~~202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.~~

12-24.024 Recordkeeping Requirements – Machine-Sensible Records.

(1) General Requirements.

(a) Machine-sensible records used to establish tax compliance shall contain sufficient transaction-level detail information so that the details underlying the machine-sensible records can be identified and made available to the Department

upon request. A taxpayer has discretion to discard duplicated records and redundant information provided ~~his or her~~ ~~its~~ responsibilities under ~~these rules~~ ~~this rule~~ are met.

(b) At the time of an examination ~~by the Department~~, the ~~taxpayer's~~ retained records must be capable of being retrieved and converted to a standard record format.

(c) No change.

(2) Electronic Data Interchange Requirements.

(a) Where a taxpayer uses electronic data interchange processes and technology, the level of record detail, in combination with other records related to the transactions, must be equivalent to that contained in an acceptable paper record. For example, the retained records should contain ~~such~~ information ~~including~~ ~~as~~ vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, ~~and~~ shipping detail, ~~etc.~~ Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method which allows the Department to interpret the coded information.

(b) The taxpayer may capture the information necessary to satisfy ~~these rules~~ ~~Rule 12-24.024(2)(a), F.A.C.~~, at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity, and integrity of the retained records can be established. For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system ~~captures~~ ~~capture~~ information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the taxpayer ~~must retain~~ ~~also retains~~ other records, such as ~~his or her~~ ~~its~~ vendor master file and product code description lists and ~~make~~ ~~makes~~ them available to the Department. In this example, the taxpayer need not retain its EDI transaction for tax purposes.

(3) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system should be similar to ~~those~~ that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this ~~chapter Part~~.

(4) Business Process Information.

(a) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the integrity of the records.

(b) The taxpayer shall be capable of demonstrating:

1. ~~The~~ the functions being performed as they relate to the flow of data through the system;

2. ~~The~~ the internal controls used to ensure accurate and reliable processing; and

3. ~~The~~ the internal controls used to prevent unauthorized addition, alteration, or deletion of retained records.

(c) The following specific documentation is required for machine-sensible records retained pursuant to this Rule:

1. ~~Record record~~ formats or layouts;

2. ~~Field field~~ definitions (including the meaning of all codes used to represent information);

3. ~~File file~~ descriptions (e.g., data set name); and

4. ~~Detailed detailed~~ charts of accounts and account descriptions.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.025 Records Maintenance Requirements.

(1) The Department recommends, but does not require, that taxpayers refer to the National Archives and Records Administration's (NARA) standards for guidance on the maintenance and storage of electronic records, including such as the labeling of records, the location and security of the storage environment, the creation of back-up copies, and the use of periodic testing to confirm the continued integrity of the records. The NARA standards may be found at 36 Code of Federal Regulations, Part 1234, July 1, 1995 edition.

(2) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.026 Access to Machine-Sensible Records.

(1) The manner in which the Department is provided access to machine-sensible records as required in Rule 12-24.023(2), F.A.C., may be satisfied through a variety of means that shall take into account a taxpayer's specific facts and circumstances, as determined through consultation with the taxpayer.

(2) Departmental Such access will be provided in one or more of the following manners:

(a) through (d) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.027 Taxpayer Responsibility and Discretionary Authority.

(1) In conjunction with meeting the requirements of Rules Rule 12-24.024, 12-24.025, and 12-24.026, F.A.C., a taxpayer may create files solely for the use of the Department. For example, if a data base management system is used, it is consistent with the rule for the taxpayer to create and retain a file that contains the transaction-level detail from the data base management system and that meets the requirements of Rules Rule 12-24.024, 12-24.025, and 12-24.026, F.A.C. The

taxpayer should document the process that created the separate file to show the relationship between that file and the original records.

(2) A taxpayer may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the taxpayer of its responsibilities under this chapter Part.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.028 Alternative Storage Media.

(1) For purposes of storage and retention, taxpayers may convert hardcopy documents received or produced in the normal course of business and required to be retained under this chapter Part to microfilm, microfiche, or other storage-only imaging systems and may discard the original hardcopy documents, provided the conditions of this section are met. Documents which may be stored on these media include, but are not limited to general books of account, journals, voucher registers, general and subsidiary ledgers, and supporting records of details, such as sales invoices, purchase invoices, exemption certificates, and credit memoranda.

(2) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.029 Effect on Hardcopy Recordkeeping Requirements.

(1) Except as otherwise provided in this section, the provisions of this chapter Part do not relieve taxpayers of the responsibility to retain hardcopy records that are created or received in the ordinary course of business as required by existing statutes and rules. Hardcopy records may be retained on a recordkeeping medium as provided in Rule 12-24.028, F.A.C.

(2) If hardcopy records are not produced or received in the ordinary course of transacting business (e.g., when the taxpayer uses electronic data interchange technology), such hardcopy records need not be created for examination by the Department.

(3) Hardcopy records generated at the time of a transaction using a credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this chapter Part. Such details include those listed in Rule 12-24.024(2)(a), F.A.C.

(4) through (5) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.030 Records Retention – Time Period.

All records required to be retained under this chapter Part shall be preserved pursuant to s. 213.35, F.S., unless the Department has provided in writing that the records are no longer required.

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Conversion Registration	12A-19.001
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Communications Services Tax Direct Pay Permits	12A-19.030
Exemptions from the Communications Services Tax	12A-19.040
Notification of Local Communications Services Tax Rate Changes; Permit Fee Elections; and Local Taxing Jurisdictional Boundary Changes	12A-19.050
Sales for the Purposes of Resale	12A-19.060

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule Chapter 12A-19, F.A.C., Communications Services Tax, is to implement ss. 202.12, 202.16, 202.17, 202.19, 202.21, 202.22, 202.27, 202.28, 202.30, 202.34, and 202.35, F.S., and to provide guidelines for communications services providers and tax administrators regarding registration, tax returns, direct pay permits, exemptions, sales for the purpose of resale, and notification requirements for local governments.

The purposes of the proposed creation of Rule 12A-19.001, F.A.C., Conversion Registration, are to: (1) provide guidelines for persons currently registered with the Department and persons who hold a current Sales Tax Direct Pay Permit for Telecommunications who will receive an Application for Communications Services Tax Registration to facilitate the transition from the gross receipts tax and/or the sales and use tax on cable, satellite, and telecommunication services to the tax imposed on communications services; (2) provide guidelines for dealers who did not receive an application and those who received more than one application; (3) require all applications, except for direct-to-home satellite providers, to be accompanied by form DR-700020, Notification of Method Employed to Determine Taxing Jurisdictions; (4) provide guidelines to dealers whose activities require registration, including substitute communication system users and persons applying for a direct pay permit; (5) provide guidelines to those whose activities do not require registration; and (6) incorporate by reference forms used by the Department for the registration of communications services providers.

The purposes of the proposed creation of Rule 12A-19.010, F.A.C., Registration, are to: (1) provide guidelines for persons required to register with the Department for the communications services tax, including those required to register for purposes of obtaining a Communications Services Tax Direct Pay Permit; (2) require all applications, except for

direct-to-home satellite providers, to be accompanied by form DR-700020, Notification of Method Employed to Determine Taxing Jurisdictions; (3) provide guidelines to dealers whose activities require registration, including substitute communication system users and persons applying for a direct pay permit; (4) provide guidelines to those whose activities do not require registration; and (5) provide guidelines on how to obtain forms from the Department.

The purposes of the proposed creation of Rule 12A-19.020, F.A.C., Tax Due at Time of Sale; Tax Returns and Regulations, are to: (1) provide guidelines regarding the collection and remittance of the communications services tax; (2) provide guidelines regarding the application of the collection allowances; (3) provide guidelines on how to obtain forms from the Department; (4) provide guidelines for the application of penalties and interest when persons fail to make a return, pay taxes due, or remit taxes; and (5) incorporate by reference return forms used by the Department in the administration of the communications services tax.

The purposes of the proposed creation of Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits, are to: (1) provide guidelines to taxpayers regarding who may apply for a Communications Services Tax Direct Pay Permit using form DR-700030, Application for Communications Services Tax Direct Pay Permit; (2) define the term "person" for purposes of this rule; (3) provide guidelines regarding the information that will be included on the permit, including the effective and expiration dates; (4) provide how a replacement Communications Services Tax Direct Pay Permit may be obtained; (5) provide guidelines to permit holders for remitting the communications service tax and for the use of direct pay permits; (6) provide guidelines on recordkeeping requirements; and (7) incorporate by reference forms DR-700030 and DR-700031, used by the Department in the administration of Communications Services Tax Direct Pay Permits.

The purposes of the proposed creation of Rule 12A-19.040, F.A.C., Exemptions from the Communications Services Tax, are to: (1) provide the methods, procedures, recordkeeping requirements, and guidelines for: sales to residential households; sales to the federal government, state government, and political subdivisions of the state or federal government; and sales to religious or educational organizations; (2) provide definitions for the terms "religious organization" and "educational organization"; and (3) provide a suggested certificate format to be used by religious or educational organizations to purchase communications services tax exempt.

The purposes of the proposed creation of Rule 12A-19.050, F.A.C., Notification of Local Communications Services Tax Rate Changes; Permit Fee Elections; and Local Taxing Jurisdictional Boundary Changes, are to: (1) provide guidelines to local governments regarding the methods and procedures for changing local communications services tax rates, notifying

the Department of a local government's permit fee election, and changing jurisdictional boundaries; and (2) incorporate by reference forms used by the Department to implement the notification requirements imposed by s. 202.21, F.S.

The purposes of the proposed creation of Rule 12A-19.060, F.A.C., Sales for the Purposes of Resale, are to: (1) provide guidelines for when communications services may be purchased tax exempt for the purposes of resale; (2) provide definitions for the terms "dealer," "active registered dealer," "purchaser," and "sales for the purposes of resale" for purposes of the rule; (3) provide guidelines for determining when a sale for the purposes of resale occurs; (4) provide how a replacement Communications Services Tax Annual Resale Certificate may be obtained; (5) provide guidelines to selling dealers and purchasing dealers regarding the recordkeeping requirements; and (6) provide when resale certificates will be accepted during an audit or protest of an audit.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for public comments regarding the proposed creation of Rule Chapter 12A-19, F.A.C., which will provide guidelines to communications services providers and tax administrators regarding registration, tax returns, direct pay permits, exemptions, sales for the purposes of resale, and notification requirements for local governments. The proposed rule text may be used by the Department in emergency rules adopted pursuant to s. 202.26(4), F.S.

SPECIFIC AUTHORITY: 202.16(2), 202.22(6)(a), 202.26(3)(a),(c),(d),(e),(h),(j), 202.27(6) FS.

LAW IMPLEMENTED: 92.525(2), 202.11(2),(3),(4),(5),(6),(7),(8),(9),(11),(12),(13),(14),(16), 202.12(1),(3), 202.125, 202.13(2), 202.15, 202.16, 202.17(2),(3)(a),(4),(6),(7), 202.19(1),(8),(10), 202.20(1)(c), 202.21, 202.22(2)(b),(6), 202.26(2),(3)(a), 202.27(1),(2),(6), 202.28(1),(2), 202.30, 202.33(2), 202.34(3),(4)(c), 202.35(1),(4), 212.02(12), 213.37, 337.401(3)(c) FS.

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

TIME AND DATE: 10:00 a.m., June 26, 2001

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such

proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Silvey, Senior Attorney, or Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.001 Conversion Registration.

(1)(a) For persons currently registered as an active dealer with the Department that are identified as engaging in the business of selling communications services, the Department will mail form DR-700013, Application for Communications Services Tax Registration (hereby incorporated by reference). Each person's Application for Communications Services Tax Registration will contain the information that the Department currently has in its database for that person. A person that fails to receive such application or that needs more information regarding the application received may contact the Department at 800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(b) In the event that a person receives more than one application, only one application should be completed and filed with the Department to obtain a Communications Services Tax Certificate of Registration (form DR-700014). Any additional applications should be marked in a manner indicating that a previous application has been filed with the Department. All applications should be returned to the Department at the address indicated on the form.

(c) Every person engaging in the business of providing communications services, except direct-to-home satellite providers, must notify the Department of the method(s) the person will employ to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.).

(2) Any person who holds a valid Sales Tax Direct Pay Permit for Telecommunication Services will receive an Application for Communications Services Tax Registration (form DR-700013) and an Application for a Communications Services Tax Direct Pay Permit (form DR-700030, incorporated by reference in Rule 12A-19.030, F.A.C.). The two applications must be submitted to the Department together.

(3) With the exception of the activities described in paragraph (b), any person engaging in the business of providing communications services after October 1, 2001,

must hold a dealer's Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application for Communications Services Tax Registration (form DR-700013) or an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form used.

(a) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except persons only engaging in activities described in paragraph (b).

(b) Persons who only engage in the following activities are not required to register for the communications services tax:

1. Information services;

a. An information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services.

b. Examples of an information service are electronic publishing, web-hosting service, and end user 900 number service.

2. The installation or maintenance of wiring or equipment on a customer's premises;

3. The sale or rental of tangible personal property;

4. The sale of advertising services, such as directory advertising;

5. Bad check services;

6. Late payment services;

7. Billing and collection services;

8. Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services;

9. Communications services paid for by inserting coins into coin-operated communications devices available to the public;

10. The sale or recharge of prepaid calling arrangements;

11. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft; and

12. The service of sending or receiving a document, commonly referred to as a facsimile, when performed during the course of providing professional or advertising services.

(4) Persons who purchase, install, rent, or lease a substitute communications system must obtain a dealer's Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application for Communications Services Tax Registration (form DR-700013)

or an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form used.

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

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

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

Cross Reference: Rule 12A-19.030, F.A.C.

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(2),(3),(6), (7),(8),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(2),(3)(a),(4),(7), 202.22(6)(a), 202.27(6) FS. History—New _____

12A-19.010 Registration.

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

(b) With the exception of the activities described in paragraph (e), any person engaging in the business of providing communications services must obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(c)1. To obtain a Communications Services Tax Certificate of Registration, a person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department.

2. Every person registering with the Department for the communications services tax, except direct-to-home satellite providers, must notify the Department of the method(s) the person will employ to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (hereby incorporated by reference).

(d) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised,

regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (e).

(e) Persons who only engage in the following activities are not required to register for the communications services tax:

1. Information services:

a. An information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using or making available information via communications services.

b. Examples of an information service are electronic publishing, web-hosting service, and end-user 900 number service.

2. The installation or maintenance of wiring or equipment on a customer's premises;

3. The sale or rental of tangible personal property;

4. The sale of advertising services, such as directory advertising;

5. Bad check services;

6. Late payment services;

7. Billing and collection services;

8. Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services;

9. Communications services paid for by inserting coins into coin-operated communications devices available to the public;

10. The sale or recharge of prepaid calling arrangements;

11. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft; and

12. The service of sending or receiving a document, commonly referred to as a facsimile, when performed during the course of providing professional or advertising services.

(2) Persons who purchase, install, rent, or lease a substitute communication system must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form.

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

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

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

(3) In order to self-accrue the communications services tax, a person must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a Communications Services Tax Certificate of Registration, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department. See Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits.

(4) Applications to Collect and/or Report Tax in Florida (form DR-1) are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parenthesis (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(2),(3),(6), (7),(8),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(2),(3)(a),(4),(7), 202.22(6)(a), 202.27(6) FS. History—New

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

(1)(a)1. Except as provided in Rule Chapter 12-24, F.A.C., and this rule, all taxes required to be collected in any calendar month by Chapter 202, F.S., are due to the Department of Revenue on the first day of the month subsequent to the sale of communications services.

2. For recurring charges for communications services, tax is due at the moment that consideration is received for services to be rendered in the future.

3. To avoid penalty and interest for late filing, the payment and return must be received by the Department of Revenue or be postmarked on or before the 20th day of the month subsequent to the sale of communications services.

4. For purposes of this rule, when the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

5. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code. 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) Tax due under s. 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on January 1 for the preceding calendar year. The payment accompanied with a return must either reach the Department or be postmarked on or before the 20th day of January for a dealer to avoid penalty and interest for late filing.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 202.27(2), F.S., the tax is due on the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(2) As compensation for the prescribed record keeping, and accounting for and timely remittance of taxes, persons collecting taxes imposed under Chapter 202, F.S., are allowed a collection allowance when the return is timely filed with the Department and the amount of tax due is remitted with the return, except as provided in Rule 12-24.009, F.A.C.

(a) All communications services tax dealers must notify the Department of the method(s) the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.). In the event that the Department does not receive such notification, the dealer will be assigned a collection allowance of 0.25 percent of the tax due on each return.

(b) Two collection allowance rates are available to communications services tax dealers who timely file their communications services tax returns. Dealers are required to file a separate return for each collection allowance rate. The collection allowance rates and the corresponding methods used to assign customer service address in this State are as follows:

1. A dealer of communications services may deduct .75 percent of the amount of tax due as a collection allowance when the dealer:

a. Employs an electronic database provided by the Department under s. 202.22(2), F.S.;

b. Employs a database that has been certified by the Department under s. 202.22(3), F.S.; or,

c. Employs enhanced zip codes to assign each street address, address range, post office box, or post office box range in the dealer's service area to a specific local taxing jurisdiction under s. 202.22(1)(c), F.S.

2. When a dealer of communications services employs a method of assigning service addresses other than those provided in subparagraph 1., the deduction allowed to the dealer is .25 percent of the amount of the tax due to the Department.

(3)(a) Form DR-700016, Communications Services Tax Return (hereby incorporated by reference), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

(b) Form DR-700018, Communications Services Tax Return Short Form (hereby incorporated by reference), must be used by dealers providing communications services in a single jurisdiction. Form DR-700018, accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services and shall be late on the 21st day following the end of the period for which the return is due. A return is required to be filed with the Department even when no tax is due with the return.

(c) Form DR-700019, Substitute Communications System Tax Return (hereby incorporated by reference), must be used to report and remit tax due on the use of substitute communications systems. Form DR-700019, accompanied by the applicable payment, is due on the first day of January following the use of a substitute communications system during the preceding calendar year. Such return and applicable payment shall be late on the 21st day of January following the end of the calendar year for which the return and applicable payment are due.

(4) Users of a substitute communications system who file a timely tax return are not allowed to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed under Chapter 202, F.S.

(5) The failure of any dealer to secure a tax return for a communications services tax does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer under Chapter 202, F.S., to file any return or to pay any tax due.

(6) A return for a communications services tax filed with the Department that does not include the required schedules as indicated on the return is considered an "incomplete return" and subject to penalties as provided in s. 202.28(1), F.S.

(7) Communications services tax returns are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the

parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(8)(a) Any person who is required to make a return or to pay taxes imposed under Chapter 202, F.S., and fails to do so will be subject to penalties, as provided in s. 202.28, F.S.

(b) Any person who fails to remit collected taxes with intent to unlawfully deprive or defraud the state or local government of its moneys or the use or benefit thereof is subject to penalties imposed under s. 202.33, F.S.

(9) Interest shall accrue on any delinquent tax at the rate established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of tax due from the date of delinquency until the date on which the tax is paid.

Specific Authority 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6)(b), 202.26(3)(a), 202.27(1),(2), 202.28(1),(2), 202.33(2), 202.35(1) FS. History--New

12A-19.030 Communications Services Tax Direct Pay Permits.

(1) Any person who purchases communications services may apply for a communications services tax direct pay permit from the Department to assume the obligation of self-accruing and remitting to the state the tax due on its purchases of communications services when:

(a) The majority of the communications services purchased for use by a person are for communications that originate outside of Florida and terminate within Florida; or

(b) The taxable status of sales of communications services will be known only upon use.

(2) For purposes of this rule, the term "person" means a single legal entity and does not mean a group or combination of affiliated entities or entities controlled by one person or group of persons.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Communications Services Tax Direct Pay Permit (hereby incorporated by reference), with the Department, in the manner provided on the form and by form DR-700031, Information and Instructions for Completing Application For Self-Accrual Authority/Direct Pay Permit Communications Services Tax (hereby incorporated by reference).

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department.

(c) These forms are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's

automated FAX on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parenthesis (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(4)(a) The effective date of a Communications Services Tax Direct Pay Permit is the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(b) The Department will specify on each communications services tax direct pay permit the specific taxes for which the dealer is authorized to self-accrue and remit tax directly to the Department. When the direct pay permit authorizes self-accrual of any local communications services taxes, each service address that the direct pay permit applies to will be identified.

(c)1. A communications services tax direct pay permit expires five (5) years from the effective date. The expiration date shall be the end of the month preceding five years from the effective date, if the effective date is on or before the 15th of the month. The expiration date shall be the end of the month that is five years from the effective date, if the effective date is after the 15th of the month. The Department will provide a renewal notice to the permit holder 60 days prior to the expiration date of the permit.

2. Upon expiration of the purchasing customer's communications services tax direct pay permit, a dealer is required to collect and remit the applicable communications services tax from that customer.

(5) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR INTERSTATE COMMUNICATIONS SERVICES:

(a) A person issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit For Interstate Communications Services.

(b) Permit holders are required to pay to the Department an amount not to exceed the following:

1. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on charges for interstate communications services that originate outside Florida and terminate inside Florida; or

2. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., and \$25,000 in local communications services tax, imposed under s. 202.19(1), F.S., that is billed to an individual service address in a municipality

or county imposing a local communications services tax on charges for interstate communications services that originate outside Florida and terminate inside Florida.

(c) The filing of the returns for the taxes identified on the direct pay permit must be made on a monthly basis, and the tax may be remitted in one of the following manners:

1. The tax due may be prorated throughout the calendar year;

2. The tax due, based on the permit holder's purchases, may be paid to the Department as the applicable tax is accrued; or

3. The total amount of the tax due, not to exceed the amount of the partial exemption authorized under the permit, may be paid in full as a single payment.

(d) A permit holder must pay its tax obligation to the Department using electronic funds transfer as required by s. 202.30(1), F.S., and Rule Chapter 12-24, F.A.C., and must submit its return using electronic data interchange as required by s. 202.30(2), F.S., and Rule Chapter 12-24, F.A.C.

(e) In the calendar year of issuance, any amounts of communications services taxes paid by a permit holder to its provider(s), after the effective date of the direct pay permit, will be included in the total amount of communications services tax due to the Department for that calendar year. In remitting the remaining amounts required to be paid to the Department, the amount paid directly to communications services provider(s) after the effective date of the permit may be deducted from the total amount due to the Department. In the event that a permit holder has paid to its provider(s) an amount that exceeds the amount of tax required by the permit, the permit holder must obtain the applicable refund or credit from its provider(s).

(f) Communications services taxes and local communications services taxes are due and must be paid to the selling dealer or directly to the Department on all charges for intrastate communications services and charges for interstate communications services that originate inside Florida and terminate outside Florida.

(6) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR TAX DUE UPON DETERMINATION OF USE:

(a) A person issued a direct pay permit under the provisions of this subsection will receive form DR-700032, Communications Services Tax Direct Pay Permit For Tax Due Upon Determination Of Use.

(b) Permit holders are required to file tax returns on a monthly basis and pay to the Department the amount of the communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., due and the amount of local communications services taxes, imposed under s. 202.19, F.S., due upon the determination of the use of such communications services.

(7) In the event that the original communications services tax direct pay permit is lost or destroyed, the permit holder may request a replacement by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1-800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(8)(a) Persons that are registered with the Department for the communications services tax only for the purpose of receiving a direct pay permit do not receive a collection allowance.

(b) Communications Services Tax Annual Resale Certificates may only be used in the manner provided by Rule 12A-19.060, F.A.C., Sales for Resale.

(9) RECORDKEEPING REQUIREMENTS:

(a) Any holder of a communications services tax direct pay permit is required to keep and preserve all information and documentation necessary to substantiate the holder's authorization for the communications services tax direct pay permit and that the holder has paid all tax due on its purchases of communications services until such time as the tax imposed pursuant to Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(b) A dealer of communications services is not required to collect communications services taxes identified on the communications services tax direct pay permit for services sold to the permit holder. The dealer shall retain a copy of the permit in its records until such time as the tax imposed pursuant to Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection. Cross Reference: Rule 12A-19.010, F.A.C.

Specific Authority 202.26(3)(e), 202.27(6) FS. Law Implemented 202.12(3), 202.19(8), 202.30 FS. History--New _____.

12A-19.040 Exemptions from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in s. 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule governs the methods and procedures regarding exemptions from the communications services taxes. Guidelines for the exemption for residential households are provided in subsection (2); sales to the federal government, state government, and political subdivisions of the state or

federal government are provided in subsection (3); and sales to religious or educational organizations are provided in subsection (4).

(2) SALES TO RESIDENTIAL HOUSEHOLDS.

(a) Sales of communications services to a residential household are only subject to the gross receipts tax portion of the Florida communications services tax, imposed by s. 203.01(1)(a)2., F.S., and the local communications services tax, imposed by s. 202.19, F.S., when the service is sold at a rate based on a "residential schedule," under the tariffs filed by a service provider with the Public Service Commission. This exemption does not apply to:

1. Sales of any cable service, as defined in s. 202.11(2), F.S.;

2. Sales of any direct-to-home satellite service, as defined in s. 202.11(6), F.S.;

3. Sales of mobile communications services, as defined in s. 202.11(8), F.S.; and

4. Sales to the service address of any structure or any unit within a structure currently licensed as a public lodging establishment, as defined by s. 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(b) A "public lodging establishment," as defined in s. 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1.a. Advertised or held out to the public as a place that is regularly rented to guests; or,

b. Rented more than three times in a calendar year with each separate rental period having a duration less than 1 calendar month or less than 30 days.

2. Public lodging establishments include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary:

a. Hotels, motels, transient apartments, nontransient apartments, transient rooming houses, and other transient establishments;

b. Any unit or group of units in a condominium, cooperative, time-share plan, or other resort condominium; or,

c. Any single family dwelling, duplex, triplex, quadraplex, townhouses, beach cottage, mobile home, or other resort dwelling.

3. This exemption does not apply to any purchaser of communications services when the services are used in a currently licensed public lodging establishment. The purchaser is required to notify the communications services provider when the services are used in a licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the provider, for any applicable tax, penalty, or interest due when the services were purchased for use in a public lodging establishment.

(c) Any person who is entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential facility, as provided in Rules 12A-1.053 and 12A-1.059, F.A.C., is not entitled to the exemption from communications services tax when that residential facility is licensed as a public lodging establishment.

(3) SALES TO THE FEDERAL GOVERNMENT, THE STATE, AND POLITICAL SUBDIVISIONS.

(a)1. The sale of communications services to the Federal Government, its agencies or instrumentalities, or any entity that is exempt from state taxes under federal law is exempt from the Florida communications services tax and the local communications services tax.

2. The sale of communications services to a state or any county, municipality, or political subdivision of a state is exempt from the Florida communications services tax and the local communications services tax.

(b) DOCUMENTATION REQUIREMENTS. A dealer is not obligated to collect and remit the Florida communications services tax and the local communications services tax on such sales when:

1.a. The dealer has on file a writing or document evidencing a representation of the dealer's customer that the communications services are being purchased by an entity described in paragraph (a). The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as such an entity and that provides the customer a means to change its classification if the communications services are no longer purchased for use by the entity. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business at the time of establishing the account.

b. Payments are made directly by the entity. Payments made using an authorized Purchasing or Procurement Card ("P-Card"), which indicates on its face that it is a Florida government purchasing card for official business only, are considered to be direct payments by the authorizing agency.

c. The dealer must have acted in good faith in accepting the representation of the customer.

2. The dealer has on file a copy of the customer's Florida Consumer's Certificate of Exemption (form DR-14) identifying the customer as "federal," "state," "county," or "municipality."

(4) SALES TO RELIGIOUS OR EDUCATIONAL ORGANIZATIONS.

(a) The sale of communications services to a religious or educational organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the following definitions apply:

1. The term "religious organization" means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a church,

synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. The term "educational organization" means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a parochial, church, or nonprofit private school teaching grades K-12, college, or university which conducts regular classes and courses of study required for accreditation by, or membership in, the appropriate accrediting authority. The term does not include state tax-supported schools. State-tax supported schools must meet the provisions of subsection (3) to qualify for an exemption from the Florida communications services tax and the local communications services tax.

(c) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as a religious or educational organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a religious or educational organization, as those terms are defined by this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended. If the organization is a religious organization, the certificate must include the address of the physical place of worship and declare that the organization regularly conducts nonprofit religious services and activities. Entities claiming the exemption for educational organizations must declare on the certificate that the entity is accredited.

(d) The following is a suggested format to be provided by a religious or educational organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY RELIGIOUS OR EDUCATIONAL ORGANIZATIONS.

DATE: _____

TO: _____ (Selling Dealer's Business Name)
_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt religious or educational organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt religious or educational organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious or educational organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax for the following reason identified in the space provided.

() The entity is a "religious organization," which means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a church, synagogue, or other established physical place for

worship at which nonprofit religious services and activities are regularly conducted and carried on at (street address)

_____, _____ (city) _____, _____ (state).

() The entity is an "educational organization," which means an entity that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, and is a parochial, church, or nonprofit private school teaching grades K-12, college, or university which conducts regular classes and courses of study required for accreditation by, or membership in, the appropriate accrediting authority.

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

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT ORGANIZATION

ADDRESS OF EXEMPT ORGANIZATION

(5) RECORDKEEPING REQUIREMENT.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to the dealer for payment of any applicable tax, penalty, and interest due when the dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS, Law Implemented 92.525(2), 202.125, 202.11(3)(4), 202.16(4), 202.19(10), 202.26(2), 202.34(3), 202.35(4), 213.37 FS, History—New

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

(1) Scope of Rule. This rule governs the methods and procedures relating to changes in local communications services tax rates, notification of permit fee elections, and changes in local taxing jurisdictional boundaries.

(2) Local Communications Services Tax Rate Changes. The Department must be notified by the local taxing jurisdiction of all local communications services tax rate changes on form DR-700021, Local Communications Services Tax Rate Change and Changes Affecting Jurisdictional Boundaries (hereby incorporated by reference).

(a) This form is available without cost by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at 850-922-2208; or 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(b) Local Communications Services Tax Rate Changes prior to October 1, 2001.

1. Any local taxing jurisdiction that imposes a local communications services tax with a tax rate that is less than the maximum rate established by law may adjust its local communications services tax rate by ordinance or resolution.

2. The local taxing jurisdiction must notify the Department of such rate increase by certified mail postmarked on or before July 16, 2001.

(c) Emergency Local Rate Changes.

1. For the period October 1, 2001, through September 30, 2002, any local taxing jurisdiction may adjust its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2), F.S.

2. In order to assure sufficient time to notify affected dealers of a rate change, the Department must receive the notice within 5 working days of the adoption of such rate change.

3. A copy of the emergency ordinance or resolution adopting the rate change must be provided to the Department. The emergency ordinance or resolution must specify the new rate and effective date.

(d) Permit Fees. Each municipality, charter county, or noncharter county must elect either to collect permit fees or to not collect permit fees. If a municipality, charter county, or noncharter county fails to make an election and/or fails to inform the Department of such election, it will be presumed that such municipality, charter county, or noncharter county elected not to collect permit fees. A local government is not required to use a specific form or format to notify the department of a local government's permit fee election. However, the notification information should be mailed to: Revenue Accounting-Communications Services Tax, Florida Department of Revenue, P. O. Box 6609, Tallahassee, FL 32399-6609.

1. Municipalities or Charter Counties.

a. Election to Collect Permit Fees. An election to collect permit fees by a municipality or charter county must be made pursuant to s. 337.401(3)(c)1.a., F.S.

I. A municipality or charter county electing to collect permit fees must notify the Department of the election by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001. Such election shall take effect October 1, 2001.

II. For municipalities or charter counties that elect to collect permit fees, the rate of the local communications services tax imposed by such jurisdiction under s. 202.20, F.S., is reduced by a rate of .12 percent.

b. Election to Not Collect Permit Fees. An election not to collect permit fees by a municipality or charter county must be made pursuant to s. 337.401(3)(c)1.b., F.S.

I. A municipality or charter county electing to not collect permit fees must notify the Department of the election by certified mail postmarked on or before July 16, 2001.

II. If a municipality or charter county elects to not collect permit fees, the rate for the local communications services tax may be increased by ordinance or resolution by an amount not to exceed .12 percent. If a municipality or charter county electing to not collect permit fees increases its local communications services tax rate, the municipality or charter county must inform the Department of such increase by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001.

2. Noncharter Counties.

a. Election to Collect Permit Fees. An election to collect permit fees by a noncharter county must be made under s. 337.401(3)(c)2.a., F.S. A noncharter county electing to collect permit fees must notify the Department of the election by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001. Such election shall take effect October 1, 2001.

b. Election to Not Collect Permit Fees. An election to not collect permit fees by a noncharter county must be made pursuant to s. 337.401(3)(c)2.b., F.S.

I. A noncharter county electing to not collect permit fees must notify the Department of the election by certified mail postmarked on or before July 16, 2001. If a noncharter county elects to not collect permit fees, the rate for the local communications services tax may be increased by ordinance or resolution by an amount not to exceed .24 percent.

II. If a noncharter county electing to not collect permit fees increases its local communications services tax rate, the noncharter county must inform the Department of such increase by providing a copy of the ordinance or resolution by certified mail postmarked on or before July 16, 2001.

3. Changing Elections Made Prior to or on July 16, 2001.

a. Municipalities or Charter Counties.

I. If a municipality or charter county changes its election and exercises its authority to require and collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the sum of .12

percent plus the percentage increase in the local communications services tax, if any, pursuant to the permit fee election under s. 337.401(3)(c)1.b., F.S.

II. If a municipality or charter county changes its election and discontinues requiring and collecting permit fees, the rate of the local communications services tax imposed by the jurisdiction may be increased by ordinance or resolution by an amount that must be less than or equal to .24 percent.

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

c. Any municipality or county changing its permit fee election and its local communications services tax rate as a result of the change in the election must notify the Department by July 1 of any year to be effective on the following January 1. Changes in elections are effective on bills dated on or after January 1 following the change in election. No change in election of which the Department is not notified on or before July 16, 2001, will become effective prior to January 1, 2003.

(3) Local Taxing Jurisdictional Boundary Changes.

(a) Each local taxing jurisdiction will furnish to the Department all information needed to create the Department's electronic database.

(b) Each local taxing jurisdiction is required to provide to the Department periodic updates for the Department's electronic database.

1. Local taxing jurisdictions must use form DR-700021, Local Communications Services Tax Rate Change and Changes Affecting Jurisdictional Boundaries, to provide to the Department periodic updates for changes in its jurisdictional boundaries.

2. The periodic updates must include all changes in service addresses, annexations, incorporations, reorganizations, and any other changes in jurisdictional boundaries since the preceding update.

3. The effective date of any local taxing jurisdictional boundary changes must be either January 1 or July 1.

4. Any local taxing jurisdiction that makes a jurisdictional boundary change must inform the Department at least 120 days prior to the effective date.

5. The Department will update the electronic database at least 90 days prior to the January 1 or July 1 on which the change will take effect, based on the information provided by the local taxing jurisdiction.

Specific Authority 202.22(6)(a) FS. Law Implemented 202.20(1)(c), 202.21, 202.22(2)(b), 337.401(3)(c) FS. History—New

12A-19.060 Sales for Purposes of Resale.

(1) A sale for the purposes of resale is excluded from the tax imposed or administered by Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A "dealer" means a person registered with the Department as a provider of communications services in Florida.

(b) An "active registered dealer" means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in s. 202.17(6), F.S.

(c) A "purchaser" means the person paying for or obligated to pay for communications services.

(3) A "sale for the purposes of resale" occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

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

(b) The business name and mailing address of the certificate holder, the certificate number, the registration effective date, the expiration date of the certificate, and the purposes for which the certificate may be provided will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer's Communications Services Tax Annual Resale Certificate will be October 1, 2001, for all registration applications postmarked or hand delivered on or before October 1, 2001. All persons whose registration applications are postmarked or hand delivered after October 1, 2001, will be issued a Communications Services Tax Annual Resale Certificate with an effective date of the postmarked or hand delivery date.

(d) In the event that the dealer's original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a

copy or by contacting the Department at 1-800-352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when the selling dealer receives the certificate in good faith.

(6) PROVISIONS APPLICABLE TO SELLING DEALERS.

(a) A selling dealer who makes a sale for the purposes of resale and receives a valid Communications Services Tax Annual Resale Certificate in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(c) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and it can never be considered a sale for resale. However, a selling dealer who accepts a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purposes of resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purposes of resale in subsequent calendar years.

(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A Communications Services Tax Annual Resale Certificate may only be provided by active registered dealers who hold a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides

its Communications Services Tax Annual Resale Certificate for purchases after its Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

(8) REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purposes of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed or administered by Chapter 202, F.S., may no longer be determined and assessed under s. 95.095, F.S. Electronic storage by the selling dealer of a copy of the purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c),(d),(j) FS. Law Implemented 92.525(2), 202.11(4),(5),(9),(11),(12), 202.13(2), 202.16(2), 202.17(6), 202.34(3),(4)(c), 212.02(12), 213.37 FS. History—New

**DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic
Development Council**

RULE TITLES:	RULE NOS.:
Definitions	14B-1.001
Port Project Funding Application Procedures and Requirements	14B-1.002
Measuring Economic Benefits	14B-1.003
Determination of Funding; Council/Agency Review	14B-1.004
Council Procedures	14B-1.005
Eligible Port Funding Requirements	14B-1.006
Reporting Requirements	14B-1.007

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to update the application procedures and Council operating procedures due to the amendment to Chapter 311, Florida Statutes, and sections 320.20(3) and (4), Florida Statutes. The effect of the proposed rule is to change the procedures for seaport funding applications.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by the rules is the Florida Seaport Transportation and Economic Development Program within the Department of Transportation to finance port transportation or port facilities projects that will improve the movement and

intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

SPECIFIC AUTHORITY: 311.09(4) FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), 320.20(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael L. Rubin, Assistant Secretary, Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302, (850)222-8028

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

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon
 RULE CHAPTER NO.: 28-18

RULE TITLES: Purpose and Effect
 Comprehensive Plan
 Land Development Regulations
 RULE NOS.: 28-18.001
 28-18.002
 28-18.003

PURPOSE AND EFFECT: To specify the conditions under which the City of Marathon Transitional Comprehensive Plan will be superseded and amend the Work Program set forth at Policy 101.2.13 of the Marathon Comprehensive Plan to increase the annual residential permitting cap and require the increase to be dedicated to affordable housing, specify the point at which nutrient reduction credits can be earned when a central sewer system will be built, establish the date for the next report to Administration Commission, extend the due date for local governments to implement the carrying capacity study, and allow Residential Rate of Growth allocations and nutrient reduction credits to be transferred across sub-areas and jurisdictions for purposes of affordable housing.

SUBJECT AREA TO BE ADDRESSED: The status of the City of Marathon Transitional Comprehensive Plan, and amendments to the Transitional Comprehensive Plan relating to the Work Program and annual number of residential building permits.

SPECIFIC AUTHORITY: 380.05(8), 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

TIME AND DATE: 6:30 p.m. – 8:30 p.m., June 19, 2001

PLACE: Marathon Government Center, 2798 Overseas Highway, Second Floor, Emergency Operations Center, Marathon, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ann Lazar, Planning Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-18.001 Purpose and Effect.

(1) The purpose of this Chapter is to amend the Transitional Comprehensive Plan and Land Development Regulations of the City of Marathon within the Florida Keys Area of Critical State Concern, pursuant to Section 380.0552(9), F.S.

(2) In order to provide an accurate record of the amendments approved by this Chapter, each set of amendments is set forth in a separate rule section. If any provision of the comprehensive plan or land development regulations is amended by two rule sections, the latest amendment shall control.

(3) As provided in Section 380.05(10) and 380.0552(7), F.S., the Transitional Comprehensive Plan and Land Development Regulations of the City adopted herein shall be superseded by amendments which are proposed by the City and approved by the Department of Community Affairs pursuant to Section 380.05(6) and 380.0552(9), F.S. The City Transitional Comprehensive Plan and Land Development Regulations shall be superseded by the new City Comprehensive Plan and new City Land Development Regulations upon approval by the Department of Community Affairs pursuant to Section 380.05(6) and 380.0552(9), F.S.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History—New

Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mike McDaniel, Growth Management Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-4545

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-20.101 Comprehensive Plan.

The Monroe County Comprehensive Plan Policy Document, as the same exists on May 15, 2001, is hereby amended as follows:

(1) Policy 101.2.13 is amended to read:

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Nutrient reduction credits earned by construction of a central sewer system using best available technology or advanced wastewater treatment shall be earned at the time that a wastewater construction permit is issued by DEP for each phase of the project and a design/build or construction contract has been executed. Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 88 new residential permits. If fewer than 88 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6

prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 197 new residential units per year. The restored permits (15) must be dedicated to affordable housing. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan, may be allowed. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1
Nutrient Reduction Credits
Treatment System Upgraded To

	On-site Treatment OWNR or Equivalent	On-site Treatment and Disposal Systems	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit	
Substandard OSTDS	0.5	0.5	1.0	1.5	
Approved OSTDS	0.5	0	1	1.5	
Secondary Treatment	n/a	n/a	1	1.5	

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning August 1, 2002, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a

maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999, Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

WORK PROGRAM

YEAR ONE (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Storm Water Master Plans, and secure funding for plan completion. (Ref. County obj. 901.4)

Agencies: County, DCA, DEP, DOH and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis

shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon the benchmarks of, and all adverse impacts to, the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems or habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)
Agencies: County, DCA, DEP, DOH, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Ref. County pol. 901.4.3)

Agencies: DOH.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the Wastewater Master Plan as that Plan is developed.

Agencies: County, DCA and DEP.

E. Continue cesspit elimination process with identification of Hot Spots as first priority in accordance with Objective 901.2, and seek funding for cesspit identification. Enter into an interlocal agreement with DOH to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for DOH to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Ref. County obj. 901.2)

Agencies: County, DCA and DOH.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority and DEP.

G. Revise the Habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, GFC and Federal agencies.

YEAR TWO (ending December 31, 1998)

A. Complete the Wastewater and Storm Water Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each of the sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for Hot Spots and cesspits identified in D. below.

Agencies: County, DCA, DEP and DOH.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County and DCA.

C. Complete final design for Marathon Facilities Plan and secure facility site(s).

Agencies: County, DCA and DEP.

D. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA and DOH.

E. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, GFC and DEP.

F. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, DCA, SFWMD, USFWS.

YEAR THREE (January 1, 1999 through July 12, 2000)

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, GFC, DOT, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.

Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.

F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriateness of transferring credits among ROGO areas and awarding nutrient reduction credits for future committed water quality treatment facilities.

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility, initiate construction of Little Venice wastewater treatment facility. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: County, DCA, DEP, FCAA, WQSC and EPA.

F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate-income households; ensure that a minimum of 88 cesspits are replaced.

Agencies: County, FCAA, WQSC and DOH.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in priority Hot Spots.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for priority storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project.

Agencies: County, Land Authority, and DEP.

D. Complete final draft of the carrying capacity study including acceptance by review agencies. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility.

Agencies: County, FCAA, DEP, DCA, EPA and WQSC.

F. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: County, DOH, FCAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Finalize construction and begin operating wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DOH, DCA, EPA and WQSC.

B. Initiate construction of priority projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

C. Continue implementation of the carrying capacity study. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and

“maximum” densities authorized for the plan’s future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FKAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

D. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.

Agencies: County, FKAA, DCA, DEP, EPA and WQSC.

E. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: County, FKAA, DOH and WQSC.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FKAA, DEP, DCA, DOH, EPA and WQSC

B. Continue implementing priority projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

C. Continue construction of the Marathon Facility.

Agencies: County, FKAA, DCA, DEP, EPA and WQSC.

(2) Policy 901.1.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2.]

Permanent Level of Service Standards.

(a) The permanent level of service standards for wastewater treatment in Monroe County are as provided in Chapter 99-395, Laws of Florida.

(b) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.

(c) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septage disposal.

(3) Policy 101.2.14 is created to read:

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

Specific Authority 380.05(8), 380.0552(9) FS. Law Implemented 380.0552 FS. History–New _____.

28-20.102 Land Development Regulations.

The Monroe County Land Development regulations as the same exist on May 15, 2001 are amended as follows:

New paragraph 9.5-120.4(b)(3) is created to read:

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

Specific Authority 380.05(8), 380.0552(9) FS. Law Implemented 380.0552 FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Hours Requirement	64B13-5.001
Criteria for Approval	64B13-5.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the criteria for continuing education credit and to set forth programs which do not require prior Board approval.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 463.005(1), 463.007(3),(4) FS.

LAW IMPLEMENTED: 463.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure. Credit will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional

hour credits. For certified optometrists, at least 6 of those 30 hours must be of "transcript quality". For purpose of this rule, the phrase "transcript quality" refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and which requires a test and passing grade. Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the required continuing education; provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. In addition, the instructor of a course may not credit the hours taught towards completion of the "transcript quality" portion of the continuing education requirement. However, for the biennium ending at the end of February 2001, each licensed practitioner may count hours of continuing education obtained between January 1, 1999, and the end of February, 2001.

~~(a) As of January 1, 1989 the Board of Optometry office shall implement a procedure providing for licensed practitioners and certified optometrists to report completion of required continuing education for biennial renewal by submitting a form provided by the Board office.~~

(b) through (e) renumbered (a) through (d) No change.

~~(2) Certified optometrists shall be required to obtain as a prerequisite to renewing certification at least 6 of the 30 hours in approved transcript quality coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases during the 2-year period preceding application for license renewal.~~

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

~~(5)(6) Licensed practitioners may earn two clock hours in the area of Florida jurisprudence as allowed by subsection (6)(7) by attending a meeting of the Board for no less than four continuous hours. Licensed practitioners will be required to sign-in and sign-out with board staff. Those licensed practitioners present for disciplinary purposes are not eligible to earn the two clock hours for the Board meeting.~~

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

(7) Out of state licensees may satisfy the requirements for jurisprudence by certifying that they have obtained and read a copy of Chapters 456 and 463, Florida Statutes, and Rule Chapter 64B13, Florida Administrative Code.

Specific Authority 463.005(1), 463.007(3),(4) FS. Law Implemented 463.007 FS. History—New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00,_____.

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education required by Rule 64B13-5.001~~(1)~~ ~~or (2)~~, the Board shall consider only whether the proposed program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in practice management and Florida jurisprudence as stated in 64B13-5.001~~(4)(5)~~ and ~~(6)(7)~~ shall be provided by the Florida Optometric Association or other organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the organization's credentials, education and experience.

(2) Continuing optometric education programs other than transcript quality courses sponsored or approved by schools or colleges of optometry, the American Optometric Association; the American Academy of Optometry; the Florida Optometric Association; or any of their component or affiliate organizations are hereby approved by the Board. Neither those providers nor the programs they provide need be submitted to the Board for approval.

~~(3)(2) All other continuing education programs other than transcript quality courses must be reviewed by the Board to ensure that the programs adequately and reliably contribute to the professional competency of the licensed practitioner and must meet the following requirements:~~

(a) through (b) No change.

~~(4)(3) No change.~~

~~(4) All courses approved by the American Board of Optometric Practitioners are approved by the Board.~~

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00,_____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE:

RULE NO.:

Objection to Prenatal and Infant (Postnatal)

Risk Screening

64C-7.008

PURPOSE AND EFFECT: The purpose of this proposed rule development is to incorporate by reference new versions of the prenatal and infant screening forms.

SUBJECT AREAS TO BE ADDRESSED: Incorporation of the new forms.

SPECIFIC AUTHORITY: 383.14(2) FS.

LAW IMPLEMENTED: 383.14 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE AND NOT DEEMED UNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Monday, June 18, 2001

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL 32399-1723

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Marie Melton, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2962

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-7.008 Objection to Prenatal and Infant (Postnatal) Risk Screening.

(1) The provider shall request any pregnant woman who objects to prenatal risk screening, after the purpose of the screening has been fully explained, to indicate her objection in writing on the screening instrument, and to sign the instrument. The screening instrument to be used is the Healthy Start Prenatal Risk Screening Instrument, DOH Form 3134, 2/01 6/00 (English version), or DOH Form 3134 H, 2/01 6/00 (Creole version), or DOH Form 3134 S, 2/01 6/00 (Spanish version), which are incorporated by reference. Copies of the Healthy Start Prenatal Risk Screening Instrument can be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. If the woman refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(2) The provider shall request any parent or guardian who objects to infant (postnatal) risk screening of their child or ward, after the purpose of the screening has been fully explained, to indicate the objection in writing on the screening instrument, and to sign the instrument. The screening instrument to be used is the Healthy Start Infant (Postnatal) Risk Screening Instrument, DOH Form 3135, 2/01 6/00 (English version), or DOH Form 3135 H, 2/01 6/00 (Creole version), or DOH Form 3135 S, 2/01 6/00 (Spanish version), which are incorporated by reference. Copies of the Healthy Start Infant (Postnatal) Risk Screening Instrument can be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. If the parent or guardian refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(3) Prenatal and infant (postnatal) risk screening shall not be conducted if the affected pregnant woman, parent, or guardian objects to the screening.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History—New 3-29-92, Amended 8-14-95, 3-28-96, Formerly 10J-8.009, Amended 5-2-01.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria RULE NO.: 65A-1.716

PURPOSE AND EFFECT: This rule amendment will revise the monthly poverty income guidelines used in the Medicaid program for applicants. The amendment updates these federal guidelines to 2001 levels.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will bring the federal poverty guidelines used in the Medicaid program to a current status.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 2:00 p.m., June 18, 2001

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Library Services and Technology Act Grant, the State Aid to Libraries Grant and the Florida Library Literacy Grant Program.

SUMMARY: Library Services and Technology Grant (LSTA): The proposed amendment revises the forms and guidelines to streamline and clarify the requirements for grant application and reporting.