

PURPOSE AND EFFECT: The department proposes to adopt applicable laboratory standards approved in May 2001 at the National Environmental Laboratory Accreditation Conference (NELAC). Accordingly, the scope of certification offered will be reorganized from accreditation tiers based on EPA program, method, and analytes into tiers based on matrix, technology/method, and analytes.

SUBJECT AREA TO BE ADDRESSED: Certification of drinking water and environmental testing laboratories, the scope of certification to be offered, proficiency testing, and other criteria for laboratories to be certified.

SPECIFIC AUTHORITY: 403.0625(1), 403.863(1), 403.8635(3), 381.00591 FS.

LAW IMPLEMENTED: 403.0625(1), 403.0625(2), 403.863(1), 403.863(4), 403.8635(1), 403.8635(3), 381.00591 FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, October 29, 2002

PLACE: Florida Department of Environmental Protection, Twin Towers, 2600 Blair Stone Road, Room 609, Tallahassee, FL

TIME AND DATE: 1:00 p.m., Wednesday, October 30, 2002

PLACE: Florida Department of Health, Tampa Branch Laboratory, 3602 Spectrum Blvd., Tampa, FL

TIME AND DATE: 9:00 a.m., Thursday, October 31, 2002

PLACE: Ft. Myers Regional Service Center, 2295 Victoria Ave., Room 165, Ft. Myers, FL

TIME AND DATE: 9:00 a.m., Friday, November 1, 2002

PLACE: A. G. Holley Hospital, Auditorium, 1199 West Lantana Road, Lantana, FL

TIME AND DATE: 1:00 p.m., Monday, November 4, 2002

PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 North Pearl Street, Jacksonville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Stephen A. Arms, Florida Department of Health, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231, (904)791-1502, SunCom 866-1502

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

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Sales of Certificates of Deposit **RULE NO.:** 3E-600.0132

PURPOSE, EFFECT AND SUMMARY: The Department of Banking and Finance and the Department of Insurance jointly announce the following public rule hearing to which all persons are invited. The purpose of the rule is to establish standards for the regulation of the sale of certificates of deposit by insurance agents rules pursuant to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 30, 2002

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller, Tallahassee, Florida 32399-0350; (850)410-9805

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.0132 Sales of Certificates of Deposit.

(1) Any person licensed under s. 626.041 or s. 626.051, Florida Statutes, and not otherwise registered under s. 517.12, Florida Statutes, who offers or sells a security defined in s. 517.021(19)(g), Florida Statutes, pursuant to the authority in s. 517.12(20), Florida Statutes, shall comply with or be subject to:

(a) The provisions of s. 517.301(1), s. 517.302, s. 517.311(1)-(3) and s. 517.312, Florida Statutes;

(b) Investigations, examinations, and subpoenas pursuant to s. 517.201, Florida Statutes;

(c) The remedies contained in s. 517.211, Florida Statutes;

(d) Injunctions issued pursuant to s. 517.191, Florida Statutes;

(e) Cease and desist orders issued pursuant to s. 517.221, Florida Statutes; and

(f) Rule 4-235.003, Florida Administrative Code.

(2) Any person who violates any of the provisions of chapter 517 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) Nothing in this rule shall be deemed to limit any other departmental authority existing under Chapter 517, Florida Statutes.

Specific Authority 517.03(1) FS. Law Implemented 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
PART VII Standards For Safeguarding Customer Information	
Preamble	4-128.030
Definitions	4-128.031
Information Security Program	4-128.032
Objectives of Information Security Program	4-128.033
Examples of Methods of Development and Implementation	4-128.034
Effective Date	4-128.035

PURPOSE, EFFECT AND SUMMARY: The proposed rules adopt, with minor modifications for clarity, the NAIC model “Standards for Safeguarding Customer Information” that will be contained in Part VII of Rule Chapter 4-128. This is a supplement to the Privacy of Consumer Financial And Medical Information rules which the Department adopted in 2001. The Gramm Leach Bliley (GLB) Act requires the states to adopt standards to protect against unauthorized access to or use of protected records, which could result in substantial harm or inconvenience to any customer. See §501(a).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, October 29, 2002

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-5104

THE FULL TEXT OF THE PROPOSED RULES IS:

Part VII Standards For Safeguarding Customer Information

4-128.030 Preamble.

(1) These rules establish standards for developing and implementing administrative, technical and physical safeguards to protect the security, confidentiality, and integrity of customer information, pursuant to Sections 501, 505(b), and 507 of the Gramm-Leach-Bliley Act, codified at 15 U.S.C. 6801, 6805(b) and 6807.

(2)(a) Section 501(a) provides that it is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers’ nonpublic personal information.

(b) Section 501(b) requires the state insurance regulatory authorities to establish appropriate standards for the financial institutions under their jurisdiction relating to administrative, technical, and physical safeguards:

1. To ensure the security and confidentiality of customer records and information;

2. To protect against any anticipated threats or hazards to the security or integrity of such records; and

3. To protect against unauthorized access to or use of records or information that could result in substantial harm or inconvenience to a customer.

(c) Section 505(b)(2) requires state insurance regulatory authorities to implement the standards prescribed under Section 501(b) by rule with respect to persons engaged in providing insurance.

(d) Section 507 provides, among other things, that a state regulation may afford persons greater privacy protections than those provided by subtitle A of Title V of the Gramm-Leach-Bliley Act.

(3) This Part requires that the safeguards established pursuant to this Part shall apply to nonpublic personal information, including nonpublic personal financial information and nonpublic personal health information.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New _____.

4-128.031 Definitions.

For purposes of this Part, the following definitions apply:

(1) “Customer” means a customer of the licensee as the term customer is defined in subsection 4-128.002(8), F.A.C.

(2) “Customer information” means nonpublic personal information as defined in subsection 4-128.002(18), F.A.C., about a customer, whether in paper, electronic, or other form, that is maintained by or on behalf of the licensee.

(3) “Customer information systems” means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information.

(4) “Licensee” means a licensee as that term is defined in subsection 4-128.002(16), F.A.C., except that “licensee” shall not include: a purchasing group, or an unauthorized insurer in regard to the surplus line business conducted pursuant to Section 626.938, Florida Statutes.

(5) “Service provider” means a person that maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to the licensee.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New _____.

4-128.032 Information Security Program.

(1) Each licensee shall implement a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of customer information.

(2) The administrative, technical, and physical safeguards included in the information security program shall be appropriate to the size and complexity of the licensee and the nature and scope of its activities.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New _____.

4-128.033 Objectives of Information Security Program.

A licensee’s information security program shall be designed to:

(1) Ensure the security and confidentiality of customer information;

(2) Protect against any anticipated threats or hazards to the security or integrity of the information; and

(3) Protect against unauthorized access to or use of the information that could result in substantial harm or inconvenience to any customer.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New _____.

4-128.034 Examples of Methods of Development and Implementation.

The following actions and procedures are examples of methods of implementation of the requirements of Rules 4-128.032 and 4-128.033, F.A.C. These examples are non-exclusive illustrations of actions and procedures that licensees may follow to implement Rules 4-128.032 and 4-128.033, F.A.C.

(1) Assess Risk. The licensee:

(a) Identifies reasonably foreseeable internal or external threats that could result in unauthorized disclosure, misuse, alteration, transmission, or destruction of customer information or customer information systems;

(b) Assesses the likelihood and potential damage of these threats, taking into consideration the sensitivity of customer information; and

(c) Assesses the sufficiency of policies, procedures, customer information systems, and other safeguards in place to control risks.

(2) Manage and Control Risk. The licensee:

(a) Designs its information security program to control the identified risks, commensurate with the sensitivity of the information as well as the complexity and scope of the licensee’s activities;

(b) Trains staff as appropriate to implement the licensee’s information security program; and

(c) Regularly tests or otherwise regularly monitors the key controls, systems, and procedures of the information security program. The frequency and nature of these tests or other monitoring practices are determined by the licensee’s risk assessment.

(3) Oversee Service Provider Arrangements. The licensee:

(a) Exercises appropriate due diligence in selecting its service providers; and

(b) Requires its service providers to implement appropriate measures designed to meet the objectives of this rule; and, where indicated by the licensee’s risk assessment, takes appropriate steps to confirm that its service providers have satisfied these obligations.

(4) Adjust the Program. The licensee monitors, evaluates, and adjusts as appropriate the information security program in light of any relevant changes in:

- (a) Technology;
- (b) The sensitivity of its customer information;
- (c) The volume of its customer information;
- (d) Internal or external threats to information; and
- (e) The licensee’s own changing business arrangements,

such as:

- 1. Mergers and acquisitions;
- 2. Alliances and joint ventures;
- 3. Outsourcing arrangements; and
- 4. Changes to customer information systems.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New _____.

4-128.035 Effective Date.

Each licensee shall establish and implement an information security program, including appropriate policies and systems pursuant to this Part, by December 31, 2002.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Insurance Commissioner, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF INSURANCE

RULE TITLE:
Loss Ratio Standards and Refund or Credit of Premium

RULE NO.:
4-156.011

PURPOSE, EFFECT AND SUMMARY: The rule is being amended to delete obsolete references, incorporate forms by reference, provide filing addresses and make a technical change.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 624.308, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, October 29, 2002

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of L & H Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULE IS:

4-156.011 Loss Ratio Standards and Refund or Credit of Premium.

- (1) No change.
- (2) Refund or Credit Calculation.

(a)1. An issuer shall collect the data necessary, and file with the Department each year by May 31, the refund or credit calculation information. This filing shall include:

a. Form DI4-1507, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter”, with the purpose section and section II completely filled out in accordance with Form DI4-1507A, “The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, as adopted in Rule 4-149.022, F.A.C.;

b. The following forms for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business:

(I)(A) "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies" Form DI4-MSB-I (7/02), for individual business, completed in compliance with the instructions for the form; or

(B) "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies" Form DI4-MSB-G (7/02), for group business, completed in compliance with the instructions for the form; and

(II) The "Medicare Supplement Refund Calculation Form", Form DI4-MSR, completed in compliance with the instructions for the form. An issuer shall collect and file with the Department, in compliance with the instructions to the form, by May 31 of each year the data contained in the "Medicare Supplement Refund Calculation Form", Form DI4-MSR (6/96), for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business.

2. Forms DI4-MSB-I (7/02), DI4-MSB-G (7/02), and Form DI4-MSR (rev. 7/02) are hereby adopted and incorporated by reference, and may be obtained by writing to the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, FL 32399-0328.

3. a. The Filings forms shall be mailed to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 2800 South Adams Street, Post Office Box 8040, Tallahassee, FL 32301-8040 32314-5320, or submitted electronically to https://iportal.fldoi.com.

b. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, First Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b)1. No change.

2. In particular, for policies and certificates issued as pre-standardized business:

a.(1) In the preparation of the "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies" Form DI4-MSB-I, (rev. 6/96) and "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies" Form DI4-MSB-G, the insurer shall consider January 1, 1992, to be the date of inception for all policies and certificates and first year premium shall be the 1992 earned premium.

(II) Form DI4-MSB is hereby adopted and incorporated by reference, and may be obtained by writing the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rate, 200 East Gaines Street, Tallahassee, FL 32399-0328.

b. The insurer shall prepare ~~pages 1 through 3~~ of Form DI4-MSR for the two types of pre-standardized business. Since all policies and certificates are considered to have been issued on January 1, 1992, only experience since that date shall be included in this exhibit.

c. All individual businesses, regardless of issue date, shall use the factors on the ~~individual policy page of the~~ "Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies" (Form DI4-MSB-I).

(c) No change.

(3) through (4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Form and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Sale of Certificates of Deposit
RULE NO.: 4-235.003

PURPOSE, EFFECT AND SUMMARY: The Department of Banking and Finance and the Department of Insurance jointly announce the following public rule hearing to which all persons are invited. The purpose of the rule is to establish standards for the regulation of the sale of certificates of deposit by insurance agents rules pursuant to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 624.308(2) FS.

LAW IMPLEMENTED: 624.307(1), 517.12, 626.611, 626.621 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 30, 2002
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Fountain, Assistant Director, Division of Agent and Agency Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, Florida 32399-0318, (850)413-5416

THE FULL TEXT OF THE PROPOSED RULE IS:

SALE OF NON-INSURANCE PRODUCTS BY INSURANCE REPRESENTATIVES

4-235.003 Sale of Certificates of Deposit.

(1) Activities of licensed general lines and life insurance agents authorized by Section 517.12(20), Florida Statutes, are considered activities under the agents’ licenses for purposes of Sections 626.611 and 626.621, Florida Statutes.

(2) In determining whether an agent has been a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes, the Department will consider the facts applicable to each transaction.

(a) Conduct determined by the Department of Banking and Finance to violate Rule 3E-600.0132, F.A.C., constitutes conduct that is a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes.

(b) The Department will apply the standards established in Part IX of Chapter 626, Florida Statutes, against engaging in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of business under an agent’s license to agent transactions authorized under Section 517.12(20), Florida Statutes.

Specific Authority 624.308(2) FS. Law Implemented 624.307(1), 517.12, 626.611, 626.621 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Fountain, Assistant Division Director, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices

RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual

RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend 5L-3 to reference an updated aquaculture best management practice manual, dated October, 2002. The manual change will specifically include an additional section to the aquaculture best management practices for aquatic animal health.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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

TIME AND DATE: 1:00 p.m., Tuesday, October 29, 2002

PLACE: Division of Aquaculture Conference Room, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Division of Aquaculture at (850)488-4033 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301; Phone: (850)488-4033

THE PROPOSED RULE AND REFERENCE MANUAL ARE AVAILABLE ON THE DIVISION OF AQUACULTURE’S WEBSITE: www.FloridaAquaculture.com

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Rule 5L-3, F.A.C., is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, October, 2002 ~~July, 2000~~.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History--New 10-4-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Mapping Requirements

RULE NO.: 12D-1.009

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-1.009, F.A.C., is to clarify the data requirements of property ownership maps maintained by property appraisers.

SUMMARY: The proposed rule amendment provides for property ownership maps to reflect dimensions on all parcels, where known; acreage if used for assessment purposes; and other elements for digital environments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED 195.022, 195.062, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-1.009 Mapping Requirements.

(1) Each county property appraiser shall have and maintain the following:

(a) Aerial photography suitable for the needs of his office.

(b) Property ownership maps which will reflect the following:

1. Recorded subdivisions and/or unrecorded subdivisions, if being used for assessing, in their entirety on the property ownership maps including lot and block division and dimensions if known.

2. Dimensions ~~and acreage, where known,~~ on all parcels, where known as determined from the public records over one acre in size.

3. Acreage, where known as determined from the public records, if used as a unit of measurement for assessment purposes.

~~4.3.~~ Parcel number (normally the last four digits of the property identification number).

5. Positions recorded in State Plane Coordinate feet and based on North American Datum 1983 (1990 Adjustment), if maintained in a digital environment.

6. Minimum positional accuracy according to National Map Accuracy Standards [Date].

(2) No change.

Specific Authority 193.085(2), 195.027(1), 213.06(1) FS. Law Implemented 195.022, 195.062, 213.05 FS. History--New 10-12-76, Formerly 12D-1.09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A rule development workshop was held on August 22, 2002, in Tallahassee, Florida. Written comments were received prior to the workshop on the proposed amendments but no written comments were received at the workshop. Oral comments were received at the workshop. No changes have been made from the proposed rule text as noticed in the August 2, 2002, Florida Administrative Code.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans	12D-7.003
Additional Homestead Exemption Up to \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year	12D-7.0143

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to implement the provisions of Chapter 2002-271, Laws of Florida, providing for an increased exemption for disabled ex-service members.

The purpose of the proposed amendment to Rule 12D-7.0143, F.A.C., is to implement the provisions of Chapter 2002-52, Laws of Florida, providing for documentation required to be submitted with the sworn statement of adjusted gross income of the household for taxpayers claiming the additional homestead exemption.

SUMMARY: The proposed amendment to Rule 12D-7.003, F.A.C., provides that the increased exemption for disabled veterans is \$5,000 and the aggregate exemption for a disabled veteran receiving exemptions under sections 196.24, 196.031, and 196.202, F.S., may not exceed a certain amount.

The proposed amendment to Rule 12D-7.0143, F.A.C., provides that any extension of time to file federal returns is included in the documentation required to be submitted in support of adjusted gross income of a household for the additional homestead exemption for persons 65 and older; that supporting documentation is not required for renewal of the additional homestead exemption unless requested by the property appraiser; and that the property appraiser may not grant or renew the exemption where required documentation, including documentation requested by the property appraiser, is not provided by the applicant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 196.075(5), 213.06(1) FS.

LAW IMPLEMENTED: 196.031, 193.074, 196.075, 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans.

(1) No change.

(2) The \$5,000 exemption granted by section 196.24, Florida Statutes, shall be considered to be the same constitutional disability exemption provided for by section 196.202, Florida Statutes. The exemptions under sections 196.24, 196.031, and 196.202, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$31,000.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.031, 196.202, 196.24, 213.05 FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, _____.

12D-7.0143 Additional Homestead Exemption Up to \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year.

(1) No change.

(2) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household (Form DR-501SC, Sworn Statement of Adjusted Gross Income of Household and Return, incorporated by reference in Rule 12D-16.002, F.A.C.) to the property appraiser by March 1, comprising a confidential return of

household income for the specified applicant and property. The sworn statement must be supported by copies of the following documents to be submitted for inspection by the property appraiser ~~by June 1:~~

(a) federal income tax returns for the prior year for each member of the household, which shall include the federal income tax returns 1040, 1040A, and 1040EZ, if any; and

(b) Any request for an extension of time to file federal income tax returns; and

~~(c)~~(b) Any wage earning statements for each member of the household, which shall include Forms W-2, RRB-1042S, SSA-1042S, 1099, 1999A, RRB 1099 and SSA-1099, if any.

(3) No change.

(4) Supporting documentation is not required to be submitted with the sworn statement for renewal of the exemption, unless requested by the property appraiser.

(5) The property appraiser may not grant or renew the exemption if the required documentation including what is requested by the property appraiser is not provided.

Specific Authority 195.027(1), ~~196.075(5)~~, 213.06(1) FS. Law Implemented 193.074, 196.075, 213.05 FS. History—New 12-30-99, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Assessment of Property for Back Taxes	12D-8.006
Additional Requirements for Preparation of the Real Property Roll	12D-8.008
Uniform Standards for Computer Operations: Minimum Data Requirements	12D-8.011

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.006, F.A.C., is to implement the provisions of section 9, Chapter 2002-18, Laws of Florida, providing for assessment of escaped taxes to the previous owner where the purchaser was without knowledge of the escaped taxes.

The purpose of the amendment to Rule 12D-8.008, F.A.C., is to clarify a cross reference to Rule 12D-8.011, F.A.C.

The purpose of the proposed amendment to Rule 12D-8.011, F.A.C., is to implement the provisions of Chapter 2002-271, Laws of Florida, providing for exemptions for disabled ex-service members and to update exemption codes used for data processing files.

SUMMARY: The proposed amendment to Rule 12D-8.006, F.A.C., provides for assessments of escaped taxes against the previous owner of property. The proposed amendment to Rule 12D-8.008, F.A.C., clarifies a cross reference.

The proposed amendment to Rule 12D-8.011, F.A.C., updates the exemption type codes to include the 2002 legislative increase in the disabled veterans' exemption and to reflect the current codes in use for data processing files maintained by property appraisers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.073, 193.092, 193.155, 195.027, 195.073, 195.084, 195.096, 196.081, 196.101, 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.006 Assessment of Property for Back Taxes.

(1) through (3) No change.

(4) Back assessments of property acquired by a bona fide purchaser that had no knowledge that the property purchased had escaped taxation shall be assessed to the previous owner in

accordance with Section 193.092(1), F.S. A “bona fide purchaser” means a purchaser, for value, in good faith, before the certification of the assessment of back taxes to the tax collector for collection.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.073, 193.092, 193.155, 213.05 FS. History—New 12-7-76, Formerly 12D-8.06, Amended 12-27-94, 12-31-98, _____.

12D-8.008 Additional Requirements for Preparation of the Real Property Roll.

(1) In addition to the requirements of Rule 12D-8.007, F.A.C., the Real Property Roll for each county shall include a description of the property assessed or a cross-reference to the description which shall be accurate and certain enough to give to the taxpayer the necessary notice of the tax assessed against the particular piece of property; the description so cross-referenced shall afford an adequate conveyance to the purchaser at a sale of the property for satisfaction of a lien originating in the non-payment of the tax. The Official Record Book and Page number of the conveyance upon which the owner of record’s title is based shall also be shown, provided such information has been gathered pursuant to Rule 12D-8.011(1)(2)(m), F.A.C.

(a) through (2) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 195.073, 195.084, 213.05 FS. History—New 12-7-76, Formerly 12D-8.08, Amended 12-27-94, 12-25-96, _____.

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o) A code or codes indicating each exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department: Personal exemption codes shall be “0” indicating the exemption does not apply or an alphabetic character indicating the exemption does apply. Five of six exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	500	W/O
Blind	500	B
Disabled or Veteran Disabled	500	P or V
<u>Veteran Disabled</u>	<u>5000</u>	<u>V</u>
Disabled (100 percent Exempt)	—	D

An individual who qualified for the ~~\$25,000 dollar~~ exemption may also be entitled to the ~~\$500 dollar~~ exemption of section 3(b), Art. VII, State Const. (for widows, widowers, blind or totally and permanently disabled persons) and Section 196.202, Florida Statutes, and/or the \$5000 exemption under

Section 196.24, Florida Statutes (disabled veterans). In ~~but in~~ no event shall the aggregate exemption exceed \$26,500, for individuals exempt under Section 196.202, Florida Statutes, or \$31,000 for individuals exempt under Section 196.24, Florida Statutes, except for total exemptions under Sections 196.081, 196.091, ~~196.096,~~ or 196.101, Florida Statutes.

(p) through (q) No change.

(2) Each property appraiser shall maintain the following data in one or more of his data processing files regarding each personal property account in his county.

(a) through (l) No change.

(m) Exemption type. A code indicating the type of exemption granted the account. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes) ~~Institutional (Sections 196.195, 196.196, 196.197, Florida Statutes)~~

B – Blind (Section 196.202, Florida Statutes) ~~Non-Governmental Educational Property other than under Section 196.1985, Florida Statutes. (Section 196.198, Florida Statutes)~~

C – Charitable, Religious, Scientific or Literary (Section 196.196, Florida Statutes) ~~Federal Government Property (Section 196.199(1)(a), Florida Statutes)~~

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes) ~~State Government Property (Section 196.99(1)(b), Florida Statutes)~~

E – Economic Development (Section 196.1995, Florida Statutes) ~~Local Government Property (Section 196.199(1)(c), Florida Statutes)~~

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida) ~~Economic Development (Section 196.1995, Florida Statutes)~~

H – Historic Property (Section 196.1997, Florida Statutes) ~~Not for profit Sewer and Water Companies (Section 196.2001, Florida Statutes)~~

I – Historic Property Open to the Public (Section 196.1998, Florida Statutes) ~~Blind Exemption (Section 196.202, Florida Statutes)~~

~~J – Total and Permanent Disability Exemption (Section 196.202, Florida Statutes)~~

~~K – Widow’s Exemption (Section 196.202, Florida Statutes)~~

L – Labor Organization (Section 196.1985, Florida Statutes)

M– Homes for the Aged (Section 196.1975, Florida Statutes)

N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)

O – Widowers (Section 196.202, Florida Statutes)

P – Totally and Permanently Disabled (Section 196.202, Florida Statutes)

Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)

R – Renewable Energy Source (Section 196.175, Florida Statutes)

S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)

T – Community Centers (Section 196.1986, Florida Statutes)

U – Educational Property (Section 196.198, Florida Statutes)

V – Disabled Veteran (Section 196.24, Florida Statutes)

W – Widows (Section 196.202, Florida Statutes)

X – Homestead Exemption (Section 196.031, Florida Statutes)

Y – Combination (Homestead, Disabled, Widow, Widower, Blind, Totally and Permanently Disabled, Disabled Veteran, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)

Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)

(n) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, ~~195.006~~, 196.081, 196.091, 196.101, 196.202, 196.24, 213.05 FS. History—New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rule amendments.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

Receipt of Taxpayer’s Petition to 12D-10.004
be Acknowledged

Uniform Procedures for Hearings; Procedures 12D-10.0044
for Information and Evidence Exchange
Between the Petitioner and Property
Appraiser, Consistent with s. 194.032,
F.S.; Organizational Meeting; Uniform
Procedures to be Available to Petitioners

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-10.004, F.A.C., is to incorporate the provisions of section 3, Chapter 2002-18, L.O.F., providing time frames for mailing of notices of scheduled value adjustment board hearings. The purpose of the creation of Rule 12D-10.0044, F.A.C., is to implement the provisions of sections 2 and 4, Chapter 2002-18, L.O.F., providing requirements for acceptance of value adjustment board petition forms; providing for exchange of information for value adjustment board hearings; requiring the Department of Revenue to prescribe uniform procedures for value adjustment board hearings; and providing that petitioners may reschedule hearings.

SUMMARY: The proposed amendment to Rule 12D-10.004, F.A.C., provides that a taxpayer may submit and the value adjustment board must accept Forms DR-486 or DR-486T and revises the time frames for a petitioner’s receipt of scheduled value adjustment board hearings.

The proposed creation of Rule 12D-10.0044, F.A.C., provides the requirements for exchange of information between value adjustment board petitioners and the property appraiser and mailing/delivery methods and time frames for the information; provides that value adjustment boards are required to hold organizational hearings and make value adjustment board uniform proceedings available to petitioners prior to scheduled hearings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 194.011(5), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-10.004 Receipt of Taxpayer's Petition to be Acknowledged.

(1)(a) The taxpayer has the sole responsibility for filing a petition with the clerk of the value adjustment board to appeal any decision of the property appraiser, including denial of homestead exemption. The prescribed form for filing a petition is Form DR-486 (or DR-486T for tangible personal property), as incorporated by reference in ~~to~~ Rule 12D-16.002, F.A.C. Regardless that the value adjustment board uses a form other than Forms DR-486 or DR-486T, as permitted under section 195.022, F.S., a taxpayer may submit, and the value adjustment board must accept, Forms DR-486 and DR-486T.

(b) The clerk shall acknowledge receipt of the petition and promptly furnish a copy of the petition to the property appraiser. If the taxpayer files a petition after the statutory deadline of 25 days after the notice of proposed property taxes was mailed, the clerk shall note this fact on the petition and bring it to the attention of the board.

(c) If any taxpayer's request for homestead exemption is denied by the property appraiser, such taxpayer may file a petition with the clerk of the value adjustment board. The taxpayer must file this petition on or before the 30th day following the mailing (postmark date) of the notice of denial. It is the sole option and responsibility of the taxpayer to file this petition.

(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of

appearance. The notice shall be in writing, and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than twenty (20) fifteen (15) calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail twenty five (25) (20) days prior to the day of such scheduled appearance.

(3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 213.05 FS. History—New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95, 12-31-98, _____.

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser. Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

(1) The value adjustment board must accept Forms DR-486 and DR-486T, regardless that the value adjustment board uses another such form, as permitted under section 195.022, F.S.

(2) Subsequent to the mailing of the hearing notice, and at least 10 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence with copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ten days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3), the taxpayer shall be entitled to reschedule the hearing.

(c) If there is insufficient time for the property appraiser to provide the information five days after the receipt of the information from the taxpayer and still at least five days before the hearing the property appraiser shall be entitled to reschedule the hearing.

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this rule if the information was deposited in the U.S. mail 5 days prior to the day of the scheduled delivery. The taxpayer and property appraiser may agree to a different timing and method of exchange.

(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.

(6) Level of detail on testimony summary: The summary shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special master shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section.

(8) The information shall be in writing, and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) days prior to the day of such scheduled delivery.

(9) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 days before the scheduled appearance.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with s. 194.032, F.S., subject to the provisions of s. 194.034(1)(d), F.S. and subsection 12D-10.003(4), F.A.C.

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule.

(12) Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443; (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida.

No written comments were presented at the workshop. Changes have been made to the proposed rule as published in the August 2, 2002, F.A.W. based on oral comments received at the workshop and written comments received prior to and subsequent to the workshop.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Refunds	12D-13.009
Lien of Taxes	12D-13.011
Installment Taxes: Tax Collector to Mail Applications	12D-13.024
Redemption or Purchase of Tax Certificates Belonging to the County	12D-13.052

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.009, F.A.C., is to remove a requirement for notarization of Form DR-462 and implement the provisions of section 6, Chapter 2002-18, Laws of Florida, providing the procedures and timeframes for refunds.

The purpose of the proposed amendment to Rule 12D-13.011, F.A.C., is to implement the provisions of section 9, Chapter 2002-18, Laws of Florida, providing for assessment against the previous property owner for escaped taxes.

The purpose of the proposed amendment to Rule 12D-13.024, F.A.C., is to clarify that installment taxes are applicable to all ad valorem property taxes.

The purpose of the proposed amendment to Rule 12D-13.052, F.A.C., is to conform the rule to section 197.472, Florida Statutes.

SUMMARY: The proposed amendment to Rule 12D-13.009, F.A.C., removes a requirement for notarization of Form DR-462, Application for Refund; provides time frames for refunds processing by the property appraiser, tax collector, and Department of Revenue; and provides for processing of refunds of less than \$400 directly by the tax collector.

The proposed amendment to Rule 12D-13.011, F.A.C., provides for recorded liens against previous owners of property that escaped taxation.

The proposed amendment to Rule 12D-13.024, F.A.C., provides that installment taxes apply to all ad valorem property taxes.

The proposed amendment to Rule 12D-13.052, F.A.C., provides that county held tax certificates may be redeemed at any time before a tax deed has been issued or the land is placed on the list of lands available for sale.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.053, 193.092, 193.1145, 196.295, 197.122, 197.123, 197.131, 197.172, 197.182, 197.222, 197.2301, 197.322, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.446, 197.472, 197.473, 197.492, 197.502, 197.582, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.009 Refunds.

(1) No change.

(a) For purposes of this rule section, the terms “claim”, “application”, or “request” for refund shall all mean the tendering of a signed ~~and notarized~~ Form DR-462, Application for Refund of Ad Valorem Taxes (incorporated by reference in Rule 12D-16.002, F.A.C.), to the tax collector. When a certificate of correction, Form DR-409 (incorporated by reference in Rule 12D-16.002, F.A.C.), from the property appraiser predates the Form DR-462, the claim date shall be the date the certified Form DR-409 from the property appraiser is delivered to and received by the tax collector.

(b) through (2) No change.

(3) The tax collector shall submit to the Department any claim for refund for \$400 or more resulting from a change to the assessed value or classified use value on the tax roll, resulting from an error of the property appraiser which is sought to be corrected by the correction of error procedure described in Rule 12D-8.021 or 12D-13.006, F.A.C. Refunds of less than \$400 shall be made directly by the tax collector, from undistributed funds, without approval from the Department or the various taxing authorities.

(a) through (6) No change.

(7)(a)~~1~~. Claim for refund shall be made by filing Form DR-462 with the tax collector. The claim shall state each year for which refund is being claimed. The property appraiser shall refer taxpayers to the tax collector to file a claim. No tax collector, board of county commissioners, or clerk of the court shall refuse to allow timely application for refund to be processed or forwarded to the Department for consideration. Taxpayers are not required to make payments under protest in order to subsequently file an application for refund.

2. Where funds are available from current receipts, a taxpayer is entitled to receive an approved refund within 100 days after the claim for refund is made. This time limitation may be extended for a maximum of 60 days if good cause is shown by the property appraiser, tax collector, or the Department. The procedures set forth in subsection (9) of this rule apply where funds are not available from current receipts.

(b) A certificate of correction from the property appraiser is not necessary to file an application for refund. Where a property appraiser has not made a certificate of correction, the tax collector shall forward the refund application to the property appraiser within 30 days after receipt of the application. The property appraiser has 30 days after receipt of the application to make a correction to the tax roll if the property appraiser agrees that an error has been made which can be corrected under Rules 12D-8.021 or 12D-13.006, F.A.C., and other applicable rules. After 30 days, the property appraiser shall return the refund application, with a signed Certificate of Correction, Form DR-409, to the tax collector or provide a written statement of the reason the tax roll has not been corrected. The times stated in this rule paragraph may be extended by a maximum of 60 days if good cause is stated the taxpayer shall work with the property appraiser to obtain one, if the property appraiser agrees that an error has been made which can be corrected under Rules 12D-8.021, 12D-13.006, F.A.C., and other applicable rules.

(c) A county property appraiser’s appraisal determination is entitled to a presumption of correctness and may not be later adjusted through certificate of correction except as provided in Rule 12D-8.021, F.A.C. No taxpayer may challenge the assessed or taxable value unless authorized by law.

(8)(a) Upon receipt of a completed application for refund, the tax collector shall process the application or shall certify the application for refund to the Department if necessary in accordance with this rule. The request or application for refund shall be on Form DR-462. The tax collector shall certify that the refund claim is complete by signing and dating the Form DR-462. The tax collector shall attach such proof as is necessary to prove the claims. Such proof shall include, but not be limited to, the following documents as applicable. The property appraiser shall provide proof of these items as indicated in Rule 12D-8.021, F.A.C.

1. through (c) No change.

(d) The Department must approve or deny the refund claim within 30 days after receipt. However, where good cause is stated for delaying the approval or denial of a refund, the Department may extend such approval or denial for a maximum of 60 additional days.

(9) through (10) No change

(11) An action to contest a denial of a refund must be made within 60 days after the tax collector issues, by certified mail, the written denial or 4 years after January 1 of the year for which the taxes were paid, whichever is later.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 196.295, 197.122, 197.123, 197.131, 197.182, 197.2301, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS. History--New 6-18-85, Formerly 12D-13.09, Amended 12-10-92, 12-31-98, 12-30-99.

12D-13.011 Lien of Taxes.

(1) through (3) No change.

(4) A lien created through the back assessment on real property acquired by a bona fide purchaser, as defined under s. 193.092(1), F.S., that had no knowledge that the property purchased had escaped taxation shall be assessed to the previous owner in accordance with and in the manner prescribed under s. 193.092(1), F.S. Such recorded liens comprise a lien on property in the same manner as a recorded judgment and may be enforced by the tax collector using all remedies related to recorded judgments.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.053, 193.092, 197.122, 197.332, 197.432, 213.05 FS. History--New 6-18-85, Formerly 12D-13.11, Amended 12-13-92, 12-31-98.

12D-13.024 Installment Taxes: Tax Collector to Mail Applications.

(1) The tax collector shall mail, to those taxpayers requesting it, an application for installment payment of ad valorem property real estate taxes, Form DR-534, (incorporated by reference in Rule 12D-16.002, F.A.C.). It shall only be necessary to mail one application to owners of multiple parcels. Owners of multiple parcels shall be notified that additional applications may be obtained from the tax collector upon request.

(2) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.222, 197.322, 197.3632, 213.05 FS. History--New 6-18-85, Formerly 12D-13.24, Amended 12-13-92.

12D-13.052 Redemption or Purchase of Tax Certificates Belonging to the County.

(1) When tax certificates are struck off to the county, they shall be held by the tax collector of the county in which the property is located. A tax certificate struck off to the county may be redeemed in whole or in part, at any time before a tax deed has been issued or before the property is placed on the list of lands available for sale the vesting of title in the county, so long as the interest to be redeemed can be ascertained by legal

description. Except for certificates struck off to the county pursuant to Section 197.432, F.S., and Rule 12D-13.047, F.A.C., a tax certificate struck off to by the county may be purchased, in whole or in part, at any time before a tax deed ~~application~~ has been issued or before the property is placed on the list of lands available for sale, filed with the tax collector so long as the interest to be purchased can be ascertained by legal description.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.172, 197.3632, 197.432, 197.446, 197.472, 213.05 FS. History--New 6-18-85, Formerly 12D-13.52, Amended 5-23-91, 12-13-92, 12-31-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Index to Forms
 RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-16.002, F.A.C., is to implement forms revisions created in Chapters 2002-18, 2002-52, and 2002-271, Laws of Florida, and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate legislative and technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002
 PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/02 11/04)	12/02 12/04
(3) through (7)(b)	No change.	
(c) DR-405	Tangible Personal Property Tax Return (r. 12/02 12/00)	12/02 12/04

- (8) No change.
- (9)(a) DR-409 Certificate of Correction of Tax Roll (r. ~~12/02~~ ~~6/98~~) ~~12/02~~ ~~12/98~~
- (b) through (13)(c) No change.
- (d) DR-420S Certification of School Taxable Value (r. ~~1/03~~ ~~6/99~~) ~~12/02~~ ~~1/00~~
- (14)(a) No change.
- (b) DR-422 Certification of Final Taxable Value (r. ~~1/03~~ ~~6/98~~) ~~12/02~~ ~~12/04~~
- (15) through (16) (a) No change.
- (b) DR-453B Notice of Tax Lien for Assessment of Escaped Taxes (n. ~~12/02~~) ~~12/02~~
- (c) DR-455 Renewable Energy Source Device Exemption Application (r. ~~6/92~~) ~~12/94~~
- (17) No change.
- (18) DR-462 Application for Refund of Ad Valorem Taxes (r. ~~12/02~~ ~~11/92~~) ~~12/02~~ ~~12/94~~
- (19) through (24) No change.
- (25)(a) DR-486 Petition to Value Adjustment Board (r. ~~12/02~~ ~~12/96~~) ~~12/02~~ ~~12/96~~
- (b) DR-486T Petition to Value Adjustment Board Tangible Personal Property (r. ~~12/02~~ ~~2/92~~) ~~12/02~~ ~~12/94~~
- (c) through (33)(a) No change.
- (b) DR-499 Renewal Application for Agricultural or High-Water Recharge Classification of Lands (r. ~~12/02~~ ~~12/96~~) ~~12/02~~ ~~12/96~~
- (c) through (37) No change.
- (38)(a) DR-501 Original Application for Ad Valorem Tax Exemption (r. ~~12/02~~ ~~12/99~~) ~~12/02~~ ~~1/00~~
- (b) through (c) No change.
- (d) DR-501SC Sworn Statement of Adjusted Gross Income of Household and Return (r. ~~12/02~~ ~~12/00~~) ~~12/02~~ ~~1/04~~
- (39)(a) DR-501S Eligibility Criteria to Qualify for Property Tax Exemption (r. ~~12/02~~ ~~11/04~~) ~~12/02~~ ~~12/04~~
- (b) through (46)(a) No change.
- (b) DR-513 Tax Collector's Certification (r. ~~12/02~~ ~~12/00~~) ~~12/02~~ ~~1/04~~
- (c) through (51)(a) No change.

- (b) DR-534 Notice and Application for Alternative Payment of ~~2003 2002~~ Property Taxes (r. ~~12/02 11/01~~) 12/02 12/01
- (52) through (60) No change.
- (61)(a) DR-593 Application for Section 218.66, F.S. Special Distributions for Contested Property Taxes (n. 6/98) 12/98
- (b) DR-593A Application for Section 194.035, F.S. Reimbursement of Special Master Payments By Small Counties (n. 12/02) 12/02

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Florida Real Property Appraisal Guidelines
 RULE NO.: 12D-51.003
 PURPOSE AND EFFECT: The purpose of the creation of Rule 12D-51.003, F.A.C., is to provide reference to the source from which interested parties may obtain copies or have access to the Florida Real Property Appraisal Guidelines. These guidelines are being adopted in general conformity with the procedures set forth in section 120.54, F.S., consistent with section 195.032, F.S., but shall not have the force or effect of rules. These guidelines are to be used only to assist property appraisers in the assessment of real property, other than classified use real property, as provided by section 195.002, F.S. These guidelines supersede previous real property

appraisal guidelines, other than classified use real property guidelines. The proposed rule and these proposed guidelines will be presented at the public hearings at the dates, times, and locations noticed below.

SUMMARY: The creation of Rule 12D-51.003, F.A.C., provides the address and web site from which the Florida Real Property Appraisal Guidelines may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS.
 LAW IMPLEMENTED: 195.032, 195.062, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

A HEARING WILL BE HELD ON THE PROPOSED FLORIDA REAL PROPERTY APPRAISAL GUIDELINES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., November 1, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-51.003 Florida Real Property Appraisal Guidelines. Pursuant to section 195.062, F.S., this rule shall give notice that these guidelines are available from the address given below. These guidelines do not have the force and effect of rules. These guidelines are entitled: Florida Real Property Appraisal Guidelines Rev. XX/02

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property.html>.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 195.032, 195.062, 213.05 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999, Vol. 25, No. 18; July 30, 1999, Vol. 25, No. 30; November 24, 1999, Vol. 25, No. 47. Workshops were held on May 26 and August 17, in Tallahassee, Florida and on December 14, 1999, in Miami, Florida. No written or oral comments were received at the workshop on the proposed rule creation.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Highway System Connection	
Permits	14-96
RULE TITLES:	RULE NOS.:
Purpose	14-96.001
Forms	14-96.0011
Definitions	14-96.002
General Provisions	14-96.003
Connection Categories and Fees	14-96.004
Application	14-96.005
Application Submittal, Review, Approval, and Conditions	14-96.007
Construction and Maintenance of	
Traffic Requirements	14-96.008
Non-conforming Connection Permits	14-96.009
Modification of Connections	14-96.011
Closure and Modification of Unpermitted	
Connections (Including Those to be Considered “Grandfathered”)	14-96.012
Immediate Remedial Action Against Hazards	14-96.0121
Department Design and Construction Projects	14-96.015
Maintenance of Connections and Traffic	
Control Devices	14-96.016

PURPOSE AND EFFECT: Rule Chapter 14-96, F.A.C., is being amended to incorporate by reference new and revised forms and to generally revise and update the rules. Rule 14-96.012, F.A.C., is being repealed with the text of that rule

being combined in Rule 14-96.011, F.A.C. The words “Administrative Process” also are being deleted from the title for Rule Chapter 14-96, F.A.C.

SUMMARY: This is a proposed amendment to Rule Chapter 14-96, relating to access management permits.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335.183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

TIME AND DATE: 1:30 p.m., October 30, 2002

PLACE: Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Suwannee Room (Room 250), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-96.001 Purpose.

This rule chapter is adopted to implement the State Highway System Access Management Act for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System, and other transportation facilities under the Department’s jurisdiction except for limited access facilities. This rule chapter does not apply to limited access facilities. The permitting of connections within the controlled access portion of interchange areas, pursuant to paragraph 14-97.003(1)(j), F.A.C., however, is subject to the permitting procedures in this rule chapter. This rule chapter describes the connection permit application process and procedures, a voluntary preapplication process, and requirements for relocation, alteration, modification or closure of connections to the State Highway System. ~~This rule chapter also is adopted to promote close cooperation with local governments in their site planning decisions that increase the safe traffic operations of the State Highway System.~~

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95.

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
<u>Driveway/Connection Application – Category A</u>	<u>850-040-14</u>	<u>06/02</u>
Driveway/Connection Application for All Categories	850-040-15	<u>06/02</u> 11/94
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	11/93
Record of Waived Requirements for All Categories	850-040-17	03/94
Driveway Connection Permit for All Categories	850-040-18	<u>06/02</u> 11/93
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	11/94
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	<u>06/02</u> 01/99
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	<u>06/02</u> 01/99
Violation and Notice to Show Cause	850-040-26	<u>06/02</u> 01/99

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99.

14-96.002 Definitions.

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) “Applicant” means the person submitting a connection permit application. An applicant may be a property owner or the owner’s authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

~~(2)~~(4) “Application” means a completed Driveway/Connection Application – Category A, Form 850-040-14, 06/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 06/02 11/94, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

~~(3)~~(2) “Average Daily Traffic (ADT)” means the an average number of vehicles passing a specific point on a connection or roadway on an average day.

~~(4)~~(3) “Connection” means as defined in Section 335.182(3)(a), Florida Statutes, means driveways, streets, turnouts or other means of providing for the right of reasonable access to or from the State Highway System. Traffic control features and devices in the Department’s right of way are not part of the connection.

~~(5)~~(4) “Connection Category” means a Department assigned permit designation category for all State Highway connections, based on estimated vehicle trips per day to and from the property as set forth by the Rules 14-96.004, F.A.C., of the Department or derived through gGenerally aAccepted pProfessional pPractice.

~~(6)~~(5) “Connection Permit” means a written authorization issued by the Department allowing for the initiation of construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

~~(7)~~(6) “Connection Relocation, Alteration, or Closure” (pursuant to Section 335.187, Florida Statutes) means are defined as follows:

(a) “Alteration” of a cConnection” means Department action to substantially change reduce the width of a connection or to change the availability of prohibit right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

(b) “Closure” of a connection” means a Department prohibition of the ability to enter and exit via the connection.

(c) “Relocation” of a connection” means an Department action to substantially move a connection, laterally or to move relocate a connection to a service road connected to the state highway.

~~(8)~~(7) “Controlled Access Facility” for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department.

~~(9)~~(8) “Department” means the Florida Department of Transportation.

(10)(9) “Development Approval or Order” means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize ~~the developer or land owner to begin~~ construction of any permanent improvements on the property.

(11)(10) “Directional Median Opening” means an opening in a restrictive median designed to control certain and specific turning movements from ~~either the state highway or the access connection.~~

(12)(11) “Distance Between Connections” means the distance ~~between connections,~~ measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

(13) “Florida Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.

(14)(12) “Full Median Opening” means an opening in a restrictive median designed to allow all safe turning movements ~~(except U turns in some instances) to take place from both the state highway and the adjacent connection.~~

(15)(13) “Generally Accepted Professional Practice” for the purpose of this rule chapter means the use of professional engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno ~~ENO~~ Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

(16)(14) “Governmental Entity” means as defined in Section 11.45, Florida Statutes, a unit of local government or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(15) ~~“Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.~~

(17)(16) “Joint Use Connection” means a connection that provides access to more than one property or development including those in different ownerships.

(18)(17) “Limited Access Facility” means a street or highway established as such a limited access facility pursuant to Section 338.01, Florida Statutes, and meeting the definition of Section 334.03(13), Florida Statutes, including interchange areas and other facilities within the limited access right of way.

(19)(18) “Median” means the portion of a divided highway separating vehicular traffic traveling in opposite directions. See “Restrictive Median” ~~restrictive~~ and “Non-Restrictive Median” also defined.

(20) “Modification” of a connection means relocation, alteration, or closure of a connection.

(21)(19) “Non-Restrictive Median” means a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See “Restrictive Median” also defined.

(22)(20) “Operational Characteristics of a Connection,” (as specified in Section 335.184(3), Florida Statutes, means ~~”~~ include, ~~but are not limited to,~~ turning movements, turning radii, channelization, grade, and connection width.

(23)(21) “Property Owner” means the person or persons holding the recorded title to property abutting the state highway system, and other persons holding a recorded interest in such property that includes the right of access.

(24) “Public Road System” means the State Highway System, county roads, and city streets.

(25)(22) “Reasonable Access” means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on Section 335.18, Florida Statutes, the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

(23) ~~“Reciprocal Agreement” means an agreement between the Department and a local government entity exempting each other from permit fees.~~

(26) “Replacement” means reconstructing an existing connection without alteration or relocation of the connection.

(27)(24) “Restrictive Median” means the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are include physical barriers that restrict ~~prohibit~~ movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or a swaled median.

(28)(25) “Right of Way (R/W)” means land or interest therein, acquired for or devoted to transportation purposes. More specifically, land in which the governmental entity ~~State, the Department, a county, or a municipality~~ owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, Florida Statutes.

~~(29)(26)~~ “Safety Upgrade Category” includes all modifications to existing connections initiated by the property owner, which improve upgrade the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change covered under “Significant Change,” as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work are include increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure.

~~(30)~~ “Security Instrument” means a letter of credit or bond as described in Section 334.187, Florida Statutes.

~~(31)(27)~~ “Significant Change,” means as defined in 335.182, Florida Statutes, ~~means a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.~~ If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

~~(32)(28)~~ “State Highway System (SHS)” means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to as defined in Section 334.03(25), Florida Statutes.

~~(33)(29)~~ “Traffic Control Features and Devices” includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn lanes, and other features described in the *Manual on Uniform Traffic Control Devices (MUTCD)*, (incorporated by reference in Rule 14-15.010, F.A.C.).

~~(34)(30)~~ “Traveled Way” means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

~~(35)(31)~~ “Trip” means a one way vehicle movement. For example, one customer visiting an establishment in a car usually equals two trips, one in and one out.

~~(36)(32)~~ “Trip Generation” means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 6th 5th Edition of the Institute of Transportation Engineers *Trip Generation Report* or other Generally Accepted Professional Practice.

~~(37)(33)~~ “Vehicle Trips Per Day (VTPD)” means the an average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.003 General Provisions.

(1) Local Permits and Approvals. Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted Department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction ~~regardless of local government permits and approvals.~~ No person may construct, relocate, or substantially alter a connection without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

(2) Pre-Application. Prior to filing an connection application and prior to receipt of development or site plan approval, all applicants, but in particular those applying for a Category C, D, E, F, or and G connections, are strongly encouraged to request a pre-application meeting to review on the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s)’ locations ~~with the Department and other local agencies as appropriate.~~ This review will be performed by the Department without a fee.

(a) Purpose of Pre-Application Meeting. The purpose of the pre-application meeting is to establish the connection(s) ~~application~~ category and the general location and design of the connection(s) to the property. Traffic study requirements may also be determined during this meeting.

(b) Non-Binding Nature of the Pre-Application Meeting. The pre-application meeting is advisory only and the results of this meeting are ~~not non~~ binding on the Department or and the applicant. An connection application must be submitted and a connection permit must be issued before the applicant can initiate construction.

~~(3) Connections Involving Drive-in Theaters. Connections involving drive-in theaters shall comply with the requirements of rule chapter 14-42, F.A.C.~~

~~(3)(4)~~ Cost of Construction.

(a) The cost of all construction related to the permit shall be the responsibility of the applicant permittee.

(b) Existing permitted connections impacted by the Department’s current construction activities and which, require relocation, alteration, closure, relocation, or safety upgrade replacement in order to meet current adopted Department standards shall be relocated, altered, closed, relocated, or upgraded for safety replaced by the Department at no cost to the permittee.

~~(4)(5)~~ Traffic Control Features and Devices in the State Right of Way. Traffic control features and ~~Traffic Control~~ devices in the ~~Department’s~~ right of way, such as including,

~~but not limited to, traffic signals, channelizing islands, medians, median openings, and turn lanes or any other transportation control features or measures in the state right of way~~ are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or ~~traffic control device in the state right of way, such as median opening, traffic signal or a feature affecting turning movements through a connection,~~ to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future ~~median openings, signals, or traffic control features or devices at or near the permitted connections. The permit may describe these features and/or devices,~~ but such description does not create any type of a vested interest in such features.

~~(5)(6) Other Review Processes, such as Development of Regional Impact (DRI).~~ The Department shall not be obligated bound to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

~~(6)(7) Alternative Access Plans not Consistent with Access Management Standards.~~ If the requirements of Rule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will require approval of the Department’s District Secretary or designee. The acceptance of any alternative access plans shall be based upon maximum achievement of the purpose of Rule Chapter 14-97, F.A.C., and Sections 335.18-335.188 335.181, Florida Statutes. Any alternative access plan proposed under this section will need to provide documentation, in a traffic study, signed and sealed by a professional engineer registered in the State of Florida, of how the plan better serves the driving public and not just the applicant or its applicant’s clients or customers. The Department will also consider the transportation conditions stated in Section 335.184(3)(a), Florida Statutes. See also, Rules 14-96.007(4)(a)2. and 14-96.009, F.A.C.

~~(7)(8) Limited Access Facilities.~~ Owners of property abutting a limited access facilities facility have no right of access to such facilities. Requests for any access (such as new interchanges) to limited access such facilities will not be processed under this rule chapter.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, _____.

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) Standard Connection Categories. The following table summarizes the standard connection categories and application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A – Uses to 20 VTPD	\$ 50
Category B – Uses with 21 – 600 VTPD	\$ 250
Category C – Uses with 601 – 1,200 VTPD	\$1,000
Category D – Uses with 1,201 – 4,000 VTPD	\$2,000
Category E – Uses with 4,001 – 10,000 VTPD	\$3,000
Category F – Uses with 10,001 – 30,000 VTPD	\$4,000
Category G – Uses with 30,000+ VTPD	\$5,000

(2) Special Connection Categories.

(a) “Temporary Connection Category” provides a temporary, time limited, connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use this permanent construction is the ultimate use of the property. Further, a temporary connection permit does not bind the Department, in any way, to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee’s own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will may be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, local governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall may the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

(b) “~~Local Government Public Street or Road~~ Category” provides for a connection or connection modification for any new or substantially improved public road. The fee will be waived if the applicant is a local governmental entity having a reciprocal fee waiver agreement with the department if this is a local government sponsored project and the local government is the applicant. If the fee is not waived, then the fee shall be based on the fee schedule in Rule section subsection 14-96.004(1), F.A.C., using expected Average Daily Traffic for the Category determination.

(c) “Safety Upgrade Category” shall not be used for connections involving significant change. This category includes all modifications to existing connections not included as Substantial Connection Changes. This category allows for

~~work to existing or operating connections or sites which upgrade the safety of the public road system and the connection. This category shall not be used for connections covered under "Significant Change" as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work include increase of turning radii, channelization, turn lane construction, resurfacing, relocation to improve connection spacing, widening or narrowing of connection to better meet Department standards, and connection closure. These applications shall be initiated by the applicant and will not require a fee.~~

~~(3)(4) Phased Developments.~~ New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

~~(4)(3) Fee Payment Type.~~ Full payment of fees shall be made by cashier's check, certified check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department's pre-paid account practices. ~~Cash will not be accepted.~~ If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier's check, certified check, cash, or money order is presented. The application fee is non-refundable, as required by ~~in~~ Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-187 FS. History--New 4-18-90, Amended 7-16-95, _____.

14-96.005 Application.

(1) Connection Permit Application and Information. The Driveway/Connection Application - Category A, Form 850-040-14 (06/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (06/02) 44/94, and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application Form, (with original signatures, the number of signatures ~~these~~ to be determined by the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) The Department suggests that prior to submitting an application the applicant ~~ask the Department about inquire on~~ the level of detail and ~~on~~ additional information requirements pursuant to this rule chapter. [See Rule Section 14-96.003(2), F.A.C. "Pre-Application"].

(b) The Department will reserves the right to request clarification or additional information required in this rule chapter during the application review process where the applicant has failed to complete the application.

(c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

(d) An application will not be accepted if the appropriate fee is not paid.

(e) The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Department's Permitting Authority's review of the connection application.

~~(2) A connection permit application may be submitted by a property owner or his authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof authorization to submit the application executed by a property owner.~~

~~(2)(3) Changes in Property Use.~~

(a) ~~Significant Change in Land Use as Defined in Section 335.182(3)(b), Florida Statutes.~~ Where such additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modifications of to existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, does not require modifications to the existing permitted connections, a new permit application shall ~~not~~ be required.

(b) Failure to contact the Department to determine the need for connection modifications or to submit apply for a new application permit for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will, defined as "Significant Change" in Section 335.182, Florida Statutes, may result in notification to the property owner of the Department's intent to revoke or modify the existing permit and closure of the connection to the property as specified in Rule Section 14-96.011(2), F.A.C..

(c) Vacant or Abandoned Sites. For purposes of determining the "existing use" of a property under the definition of significant change, the following criteria apply: "Significant Change" in 335.182(3)(b), Florida Statutes.

1. For connections under Sections 335.187(1) and (2), Florida Statutes, (~~"Grandfathered"~~), the use of the property on July 1, 1988, shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

2. For connections under Section 335.187(4), Florida Statutes, (~~normal permitted~~), the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

3. The use of a property is considered discontinued when there has been a cessation of trips to the property for a period of one year or more, except for trips to maintain or market the property associated with that use. The use of the property will

also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

4. If the use of a business property has been discontinued for the period of one year or more, any that period of discontinued use will be the "existing use" in calculating significant change when a new use is proposed by an applicant shall constitute significant change.

(d) The applicant permittee is responsible for all costs associated with connection removal, relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure modification if removal, relocation or change is directly caused by the actions of the applicant permittee.

~~(3)~~(4) Information Required ~~for~~. All Applications. The following information is required of all applications for all connections categories: Proposed features in the right of way, such as median openings and other traffic control devices, are not part of the connection(s) to be authorized by a connection permit and information regarding such features which is required by this rule chapter or the application for is used only to evaluate the proposed connection(s).

(a) Identification and signature of property owner and applicant. The current complete names, and current mailing addresses and telephone numbers of property owner(s), the developer(s), the applicant, and transportation and legal consultants representing the applicant (if any), will be noted on the appropriate application ~~forms~~ as detailed in this rule chapter.

(b) Notarized letter of authorization. If the property owner desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the property owner designating the applicant and the authorized representative (if the applicant has one) shall be provided with the application package.

(c) Responsible officer. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed directly below the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) ~~(Site Plan)~~ Location of all existing and proposed connections on the Property. This will include a site plan indicating of any physical features (existing or proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles, etc.

~~(4)~~(5) Additional Information Required for Category C, D, E, F, and G Applications. In addition to the information required on all applications, the following information is required will be necessary on all Category categories C, D, E, F, and G applications: -

(a) Trip generation data. The applicant will estimate the site's ADT average vehicles trips per day (VTPD) and peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. This determination of the most critical peak hour will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 6th 5th Edition Trip Generation Report, published by the Institute of Transportation Engineers, Washington D.C., or other generally accepted professional practice. If the Department determines, based on Generally Accepted Professional Practice, that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed, and dated by a Professional Engineer registered in the State of Florida qualified in the area of Transportation Engineering.

(b) Site plan. Each site plan submitted with the application for a Category Categories C, D, E, F, or and G application shall contain the following (by phase): ~~(r~~Recent aerial photographs of sufficient scale and clarity which are acceptable to the Department may be used in conjunction with the following):-

1. Any physical features (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation and sight distances on the public road system.

2. Traffic circulation plan and parking lay out.

3. Right of way and property lines (surveys are acceptable, but not required, this is not necessarily a requirement for a full legally binding survey)

4. Any existing joint access or cross access connection features.

5. A plat map showing abutting parcels and ownership may be required by the Department.

(c) Transportation facility and neighboring connection information. Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:

1. Road names and highway numbers for all abutting roads and highways.

2. The Florida Department's of Transportation county section and milepost number (if this identification is available at the Department).

3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

4. Location of future roads (known to the applicant) and improvements to existing roads, abutting or entering the property.

5. Neighboring ~~cConnections and median~~ Median ~~oOpenings~~. The location and type of connections (on both sides of the road, ~~where applicable~~), median openings, intersections, and traffic signals within the following distances from the site's property lines:

a. If the posted speed limit is over ~~70 km/h (45 MPH)~~ then the distance of the features documented shall be ~~400 m (1,320 feet ft.)~~, or to the closest public street intersection, (whichever is less.)

b. If the posted speed limit is ~~70 km/h (45 MPH)~~ or less, the distance of the features documented shall be ~~200 m (660 feet ft.)~~, or to the closest public street intersection, (whichever is less.)

c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.

e. If the Department determines that additional information is needed (such as connection driveway location ~~farther further~~ than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing justify and document this need before it can be required of the applicant.

(d) ~~Connection I~~ Location and dDesign i ~~n~~ Information. Applications for connection categories C, D, E, F, and G, as well as public road system street connections and those connections requiring auxiliary lanes, shall contain detailed connection and design information, in accordance with the Department's Plans Preparation Manual, January 2000, or other generally accepted professional practice. This information shall be signed, sealed, and dated by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~. The connection location and design information will include:

1. Location of all proposed connections, connection profiles, as well as public road system street connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle.

2. Design and cross section (to the ~~r~~ Right of w ~~Way~~ line) of auxiliary lanes and pavement to serve the requested connection(s).

3. Location and type of traffic control devices proposed.

4. Proposed pavement marking and signing.

5. Location and type of drainage features existing and proposed within the ~~state~~ right of way.

6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

7. Type of roadway materials to be used.

8. Location and type of e ~~Existing~~ utilities.

9. ~~Maintenance of Traffic Plan~~. The maintenance of traffic control plan must conform ~~conforming~~ to ~~Department standards set forth in the Federal Manual on Uniform Traffic Control Devices, incorporated by reference in Rule 14-15.010, F.A.C. The maintenance of traffic plan must also conform to~~ and the Department's *Roadway and Traffic Design Standards*, January ~~2002~~ ~~1994~~, or other generally accepted professional practice. The Topic #625-010-003-c, incorporated by reference under Rule 14-96.008, and the expected time of roadway closure must be in accordance with the Department's *Roadway Plans and Preparation Manual, January 2000, 1989* edition, or other generally accepted professional practice as amended June 1994, Topic 625-000-101-b, incorporated by reference under Rule 14-96.008. A maintenance of traffic plan which does not conform to the Plans and Preparation Manual and the Roadway and Traffic Design Standards must be signed and sealed by a Professional Engineer registered in the State of Florida.

10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

11. Indication of all proposed turning movements.

(e) Traffic Study Requirements. ~~Category A, B, and C applications will generally be exempted from traffic study requirements except where the Department identifies a special need based on operation or safety.~~ For Category C, D, E, F, and G applications, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any ~~t~~ Traffic s ~~Study~~ (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~. All work submitted by such a Professional Engineer in a ~~t~~ Traffic s ~~Study~~ will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida qualified in the area of Transportation Engineering. The ~~t~~ Traffic s ~~Study~~ must include at least:

1. Critical peak hour turn movements from each proposed connection and abutting public road in graphic form.

2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system.

3. ~~An appropriately sized study area and The size of the study area as well as the time horizon based upon will depend on the type and size of the development. The specific detail and content of the report will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service and safety concerns.~~

(f) Category C Exemptions. Category C applicants ~~are will be exempted~~ from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) Application Submittal. The application shall be submitted to the Department's District Permits Office or to the Department's District Maintenance Office. ~~Applications that are submitted to the local maintenance office or the urban offices of the Department will then be forwarded to the District Permits Office, however, the application will not be considered received until it arrives at the District Permits Office.~~

(2) Application Completeness Review. The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (11/94), if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

(a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

(b) If the additional information has not been received by the Department within the prescribed time from the date of notification, the application shall be processed based upon with the information provided. ~~This may result in an automatic denial of the application.~~

(c) If no additional information is requested during the prescribed ~~30~~ 60 day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

(3) Applicant Time Extension. If the applicant needs more time to provide additional information or correct deficiencies in the application, than ~~would be~~ allowed under this rule

chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, (04/93).

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's the important details regarding the analysis and decision of on access approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02), ~~11/93~~ if either:

1. ~~The If the~~ Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Section 14-97.003(1)(e), F.A.C.; or

2. ~~The If the~~ Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. ~~this rule chapter~~ and the Department is not imposing any additional conditions, the Department will issue a permit directly.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) ~~03/94~~, if the Department determines that an application applicant is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When For permitted driveway/connections where one or more connections of a property to a state highway have previously been approved and an applicant seeks a permit for additional or alternative connection(s), the previously permitted approved connections are presumed to provide reasonable access to the a State Highway System unless the property owner shows:

1. ~~That~~ there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more ~~trip generation (peak hour or daily)~~ than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was/were filed; or

2. ~~That the~~ circumstances relating to traffic safety and efficiency, ~~efficiently~~ outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) ~~01/99~~, is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective, nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) ~~01/99~~, unless it is in writing ~~written~~, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the ~~30-day~~ time period allowed for a denial challenge ~~an appeal~~ has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~, shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~, does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~.

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~, is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~, may be extended, upon Department approval, upon a showing of

good cause by the applicant (such as: weather delays, natural disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) ~~11/93~~, may be assigned to a purchaser or new occupant within one year of issuance if there is no ~~1. No~~ change in the land use or in the site plan and the ~~2. It has been~~ reassigned within one year of issuance, ~~3.~~ The Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notices of Intent to Issue Permit, Form 850-040-24, (06/02), before a connection permit can be issued:

1. Development approval from the appropriate ~~local~~ governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02);

2. Assurance of performance pursuant to Section 334.187, Florida Statutes, ~~(if required)~~;

3. An indemnity agreement shall be executed by the applicant wherein it is agreed that the Department shall be indemnified, defended, and held saved harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

a. Any act or omission by the applicant or the applicant's contractors, agents, servants, or and employees in connection with any construction activities undertaken pursuant to the connection permit within the right of way;

b. The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees; ~~or~~

c. Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or and employees in constructing or maintaining the connection or any other features.

4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C. ~~and~~

5. Special requirements ~~may be added if necessary~~ to promote safety and efficiency; ~~and~~

6. Liability Insurance For All Category Categories C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an reputable insurance company authorized to do business in the State of Florida naming itself themselves as insured, and the Department as an additional named insured, which policy shall contain a ~~broad form~~ contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

a. The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

b. The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department 30 ~~thirty~~ days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

c. The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure ~~during~~ the entire period of construction of the connection.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, ~~(06/02) 11/93~~, will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. ~~A Unless modified pursuant to an administrative proceeding, or negotiation with the applicant, a~~ permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, ~~(06/02) 01/99~~. A permit authorizes construction ~~is valid~~ for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules Chapter 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106.111, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond ~~past~~ the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, local governmental entity coordination delays, or other technical problems not within the control of the permittee applicant.

(7) Concurrent Local Governmental Entity Review. Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities local government(s).

(8) Permit Conditions. Failure by the applicant ~~or permittee~~ to abide by the permit conditions ~~provisions~~ that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to ~~revoke~~ the permit and close the connection at the expense of the applicant permittee, subject to the provisions in this rule chapter, or for the Department ~~to exercise the Performance Bond~~ to have the necessary modifications made and seek payment from the applicant. The permit requirements shall be

binding on the applicant permittee, the applicant's permittee's successors, heirs, and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits these conditions to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant recording where cross access agreements or other applicable conditions apply.

(9) Government Owned Rail or Abandoned Non-Highway Vehicular Use Corridors. Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways. These corridors are not part of the State Hhighway Ssystem and are not subject to the provisions of the Access Management Act, Sections 335.18-335.188, Florida Statutes. These corridors, that abut the a Sstate Hhighway System, are considered intervening property and property on the other side of such a corridor ~~from a state highway~~ will not be considered to be abutting the Sstate Hhighway System. Action will be taken under Rule 14-96.011, F.A.C., to ~~revoke, close, or~~ modify an existing connection access across a corridor if it interferes with the safe or efficient operation of the corridor or Sstate Hhighway System. ~~In such event, revocation will be in accordance with Rule 14-96.011 or 14-96.012, F.A.C.~~

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-1825, 335.184, 335.185 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99.

14-96.008 Construction and Maintenance of Traffic Requirements.

All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to; the Department's *Roadway and Traffic Design Standards*, January 2000 ~~1994, Topic #625-010-003-e;~~ and the *Standard Specifications for Road and Bridge Construction*, 2000 ~~1994~~ Edition, as amended, and the Department's *Roadway Plans and Preparation Manual*, January 2000, or other generally accepted professional practices ~~1989 Edition, as Amended June 1994, Topic #625-000-101-b.~~ With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.

(1) Disruption of Traffic. For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a SState hHighway, the District Secretary or designee shall

advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

(2) Connection Completion Time Limit. Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), Florida Statutes. A stop work order may be issued by the Department if work exceeds the imposed time ~~restrictions~~ limit. For any permit which expires for failure to construct the connection within the one year limit, the ~~applicant permittee~~ shall submit a new ~~a~~Application, including the payment of the required application fee prior to the initiation or continuation of any construction.

(3) Assurance of Performance. Assurance of performance pursuant to Section 334.187, Florida Statutes, will be required if the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals.

(a) Prior to the issuance of a permit, the applicant shall provide ~~a~~ the security instrument in the estimated dollar amount of the improvements in the ~~state~~ Right of ~~w~~Way. The Department shall be named as the beneficiary. ~~The~~ This said security instrument shall be provided to the Department before the ~~Connection p~~Permit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

(b) The applicant shall provide the estimated cost of improvements on ~~state~~ right of way in a document as signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

(c) Security Instrument Receipt, Form 850-040-20, (04/93) must be used.

(d) Such security instruments shall be required except ~~when in such cases or where~~ a performance bond covering the work on the ~~state~~ Right of ~~w~~Way is included as part of the bond necessary for development approval by the local governmental entity and the Department is ~~also~~ a named beneficiary.

(e) The Department will waive the security instrument requirement ~~when where~~ there is an agreement with the ~~appropriate~~ local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

(f) The Department ~~shall may~~ require a security instrument for any connection or access feature, construction, or permit activity if ~~the this~~ activity is in relation to:

1. ~~An a~~ discovered unpermitted connection that is going through the process of becoming permitted;

2. ~~The~~ correction of a safety hazard caused by activities on the property; or

3. ~~M~~modification of an existing connection or traffic control access feature or device as per Rule 14-96.011, F.A.C., or 14-96.012 for changed conditions on the property.

(g) The security instrument will be returned to the ~~applicant permittee~~ when final inspection by the Department shows that the work has been completed ~~done~~ as permitted.

(4) Posting of Permit. The approved connection permit shall be displayed in a prominent location in the vicinity of the connection construction.

(5) Traffic Signals and Other Traffic Control Devices. Such devices, installed by ~~a~~ applicant permittee, shall conform to the MUTCD and Department design and construction standards. The ~~applicant permittee~~ is responsible for securing any additional ~~state and local~~ permits or governmental entity ~~and~~ approvals needed for traffic signalization and regulatory signing and marking.

(6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments. If the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals, a statement from the project's Professional Engineer will be necessary. The ~~applicant permittee~~ will provide documentation by a Professional Engineer registered in the State of Florida ~~and qualified to inspect highway construction~~ that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection ~~permit application~~ in accordance with this Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the Standard Specifications for Road and Bridge Construction, 2000 1991 edition as amended, or otherwise conform to or meet generally accepted professional practices, incorporated by reference under Rule 14-96.008. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, 11/94, shall be used for this purpose.

(7) Utility and Right of Way User Notification. The applicant has the responsibility to determine and notify the users of the right of way of the permitted construction. ~~The applicant shall then notify all users within the right of way.~~ The applicant shall also resolve any conflicts within the right of way. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181-.1825, 335.185 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.009 Non-conforming Connection Permits.

The Department shall ~~permitting authority may~~ issues a permit for a connection not meeting Department location and spacing criteria standards if ~~the Department determines it finds~~ that a conforming connection ~~connecting~~ is not attainable at the time of the permit application submittal, ~~and~~ that denial would leave the property without ~~access a reasonable means of connection~~ to the public road system, ~~and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway.~~ The Department ~~permitting authority~~ also shall issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

- (1) The maximum vehicular usage of the connection;
- (2) The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection;
- (3) The properties to be served by the connection; ~~and any other conditions as necessary to carry out the provisions of the State Highway System Access Management Act.~~

Specific Authority 334.044(2), 335.182(3), 335.184 FS. Law Implemented 334.044(14), 335.181-.1825, 335.185 FS. History--New 4-18-90, Amended _____.

14-96.011 ~~Permit Modification or Revocation; Alteration or Closure of Permitted Connections.~~

~~Closing a connection, (unless it has an adverse effect on traffic safety or operations) resurfacing, or bringing a connection to current Department design standards, at the existing location may be considered a safety upgrade as in this rule chapter and will not require a permit.~~

(1) Validity of Existing Permits. All connection permits issued by the Department ~~after July 1, 1988, prior to the effective date of this rule chapter~~ remain valid until ~~revoked or~~ modified pursuant to the criteria set forth in this rule chapter. The Department ~~will may~~ initiate action to ~~revoke or~~ modify any permit or existing permitted connection if any of the following occurs:

(a) A ~~significant change, as defined in Section 335.18, Florida Statutes, has occurred;~~

(b) The connection was not constructed at the location or ~~in accordance with~~ the design specified in the permit;

(c) Permit conditions are not met by the permittee, or;

(d) Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a ~~Professional Engineer~~ registered in the State of Florida ~~qualified in transportation engineering~~. Such engineering study shall consider, ~~but not be limited to,~~ the following:

1. Analysis of accidents ~~Accident~~ or operational analysis directly involving the connection access points or similar connections ~~access points~~, or a traffic conflicts analysis of the site.

2. Analysis of the impact, ~~the closure,~~ modification of the connection, or relocation, will have on maintenance, or safety on the ~~Public Road System.~~

3. Analysis of the impact, ~~closure,~~ modification of the connection, or relocation will have on traffic patterns and circulation on the ~~Public Road System.~~

4. The principles of transportation engineering as determined by generally accepted ~~Professional Practice.~~

(e) If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site ~~on-site~~ with the ~~permittee,~~ property owner, or designated their representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner and provided to the Department.

2. ~~Consideration and development of~~ Alternative solutions proposed by the property owner applicant.

~~(f) Also see 14-96.0051(2)(c), Vacant or Abandoned Sites.~~

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106-~~144,~~ F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules Chapter 28-106-~~104, 28-106-201, and 28-106-301,~~ F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106-~~144,~~ F.A.C.

(a) If the reason for the ~~revocation or~~ modification is due to ~~permittee~~ noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, ~~(06/02) 01/99.~~ The notification shall state that, unless the deficiencies are corrected, the permit shall be ~~revoked or~~ modified and the connection to the State Highway shall be ~~closed or~~ modified by the Department at the expense of the property owner.

(b) If the reason for ~~revocation or~~ modification is due to ~~significant change, as defined in Section 335.18, Florida Statutes,~~ the notice will state the basis of the Department's determination for modification and the Department's intent to ~~modify or revoke the permit by requiring the relocation, alteration, or closure~~ of an existing connection. Where the Department's action has become final and no timely application for a new ~~access~~ connection permit has been filed, the Department will take immediate action to ~~close or~~ modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) Unpermitted Connections.

(a) Grandfathered Connections to the State Highway System. Connections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in subparagraph 14-96.005(2)(c)3., F.A.C., are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection (4).

(b) Unpermitted/Non-Grandfathered Connections. All other unpermitted connections are subject to closure in accordance with paragraph (5)(b).

(4) Modification of Grandfathered Connections.

(a) The Department will require that a permit be obtained in accordance with subsection 14-96.005(3), F.A.C., pursuant to the provisions of Section 335.187(1), Florida Statutes, if significant changes have occurred.

(b) The Department will modify a connection if such modification is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed, sealed, and dated by a professional engineer registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(c) If the Department acts to modify a connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

2. Alternative solutions proposed by the property owner.

(5) Notification Process for Modification of Unpermitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed

with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) The Department shall give written notice to the property owner, with a copy to the occupant, for a grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the modification is due to significant change the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. Where the Department's requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify the connection in accordance with the notice at the owner's expense.

2. If the reason for the modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(b) If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner's expense.

1. If a timely application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, Florida Statutes.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case,

final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

(6) Responsibility for Costs of Correcting Deficiencies. The property owner and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

~~(3) Responsibility for Costs of Correcting Deficiencies. The permittee, assignee, or current user of the permit shall be responsible for the costs of correcting deficiencies and the closure due to revocation pursuant to the procedure in this rule chapter.~~

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, _____.

14-96.012 Closure and Modification of Unpermitted Connections (Including Those to be Considered “Grandfathered”).

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, Repealed _____.

14-96.0121 Immediate Remedial Action Against Hazards. This rule chapter shall not restrict the Department’s right to take immediate remedial action, including the modification closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare as determined in writing by the District Secretary or designee. Upon determination that there is a need for immediate remedial action against hazards, the District Secretary or designee shall issue an order in compliance with Section 120.60(8), Florida Statutes, and the Department District shall provide the property owner and occupant with written notice of the Department’s immediate action to close or modify the connection and of the right to contest the decision pursuant to Rule Chapter 28-106, F.A.C. Department’s initiation of a formal revocation or modification of the connection and any permit issued for the connection.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 335.182, 120.60(8) FS. History—New 7-16-95, Amended _____.

14-96.015 Department Design and Construction Projects. When existing connections are modified affected by a Department project, access will be provided to abutting properties, subject to reasonable regulations as referred to in Section 335.181(2)(b), Florida Statutes will be provided to abutting properties. To the maximum extent feasible, this new access will should be consistent with adopted Department connection standards.

(1) Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into reasonable conformance, with adopted Department standards.

(2) When a permitted or grandfathered connections is are made or modified as part of a Department construction project, replacing or modifying existing permitted connections, and not due pertaining to a sSignificant cChange of land use, as defined in 335.18, Florida Statutes, no additional permit shall be required.

(3) Where connections are to be modified closed or substantially re-located as part of a Department construction improvement project, and the Department is not planning to acquire any portion of the property for the project, the Department will provide notice and opportunity for an administrative proceeding pursuant to Rrules 14-96.0011, F.A.C., or 14-96.012 and Chapter 120, Florida Statutes. For purposes of Rule 14-96.011(1)(d), F.A.C., construction plans for a Department project signed, sealed, and dated by a Professional Engineer registered in the State of Florida shall substantiate a connection’s non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

(4) The construction of new connection points, if approved by the Department, through the permit process in this rule chapter, shall be done at the property owner’s expense by either the Department’s contractor as part of the construction project roadway improvement or by the owner’s contractor.

(5) The Department will bear the cost of modification routine replacement of existing approved connections necessitated solely by Department construction projects.

(6) The Department shall require that work done by the owner’s contractor be accomplished without interfering with the Department’s contractor.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-1825 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.016 Maintenance of Driveways, Roadway Connections and Traffic Control Devices.

(1) Maintenance of Driveways and Roadway Connections.

(a) Rural Section. Department maintenance shall extend out to five feet from the edge of pavement (including auxiliary lanes) or to the limits of paved shoulders. The remainder of any paved or unpaved connection area on the right of way shall be maintained by the owner or the authorized agent.

(b) Urban (Curb and Gutter) Section. Department maintenance of pavement shall extend to the existing or maintained right of way line or to the back of sidewalk back-of-sidewalk, whichever distance is less.

(c) Drainage. Control and maintenance of drainage facilities within the right of way shall be solely the responsibility of the Department, unless otherwise specified in differently by the connection Department permit.

(2) Maintenance of Traffic Control Devices.

(a) The maintenance and operation of highway lighting, traffic signals, associated equipment, and other necessary devices shall be the responsibility of the governmental entity public agency having maintenance jurisdiction of the equipment or devices. During the construction of connection(s), the permittee will be responsible for the operation, repair, replacement, or provision of temporary maintenance, if the above traffic control devices are impacted by the permittee's operations.

(b) All pavement markings on the Sstate Hhighways System, including acceleration and deceleration lane markings, and signing installed for the operation of the State Highway System shall be maintained by the Department.

(c) All signing and markings required for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the property owner and permittee, current user owner, entity responsible for the connection, or governmental entity having jurisdiction over the connection, road, or intersection of the state highway regardless of the owner of the right of way as provided stated in Chapter 316, Florida Statutes.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-.1825 FS. History--New 7-16-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow, Systems Planning
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Rest Area Information (RestInfo) Program
RULE CHAPTER NO.: 14-99

RULE TITLE: RestInfo Program
RULE NO.: 14-99.001

PURPOSE AND EFFECT: This rule is to implement the Rest Area Information (RestInfo) Program authorized under Section 479.28, Florida Statutes.

SUMMARY: Proposed Rule 14-99.001, F.A.C., is established as authorized by Section 479.28, Florida Statutes.

SPECIFIC AUTHORITY: 334.044(2), 479.28 FS.

LAW IMPLEMENTED: 479.28 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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

TIME AND DATE: 2:30 p.m., October 29, 2002

PLACE: Haydon Burns Building (Department of Transportation), 605 Suwannee Street, Fourth Floor Conference Room (Room 479), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Craig Myers, (850)414-5393, James.myers@sot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-99.001 RestInfo Program.

(1) General.

(a) The Florida Department of Transportation shall implement a rest area information program, hereafter referred to as "RestInfo Program," to be implemented in selected full service rest areas along the Interstate Highway System, to present information of specific interest to the traveling public and to promote tourist-oriented businesses.

(b) Facilities for the display of information, hereinafter referred to as display areas, shall be designed to accommodate the names, locations, and short messages regarding tourist attractions, points of interest, events, public service, lodging, camping, and retail sales in Florida.

(c) A minimum of 40 percent of the display areas must be devoted to providing public service information announcements by the Department for the traveling public. The remaining 60 percent of the display areas shall contain only information which is of specific interest and benefit to the traveling public.

(d) The Department has contracted with Florida Logos, Inc., 4706 Capital Circle, S.W., Tallahassee, Florida 32305, phone number (888)608-0833, to provide the services required by this rule chapter including the construction, marketing, operation, collection of fees, and maintenance of the display areas.

(2) Definitions.

(a) "Business" as used in this rule chapter shall include points of interest, not-for-profit entities, events, and other facilities which are of specific interest to the traveling public.

(b) "Department" means the Florida Department of Transportation.

(c) “Display Area” refers to a facility located at selected full service rest areas that provides information to the traveling public.

(d) “Full Service Rest Area” refers to rest areas along the Interstate Highway System that provide public restrooms, lighting, and telephone service.

(e) “Program Participant” means a business that is authorized to display messages at display areas.

(f) “Public Service Information” means any information related to safety, recreation, or assistance for the traveling public provided by the Department.

(g) “Public Telephone” means a coin-operated or business-owned telephone available for use by the public.

(h) “RestInfo” refers to the rest area information program.

(3) Qualification of Program Participants. To qualify for space on the display area, a business must meet all of the following conditions:

(a) Serve the public without regard to race, color, religion, sex, age, or national origin.

(b) Have all required state and local occupational licenses, health permits, and any other permits, licenses, or approvals required by state, local, or other governmental entities.

(c) Provide a public telephone.

(d) Provide access to and from the business including access for handicapped patrons as required by all applicable laws and regulations.

(e) Provide sufficient on-site parking as required by local ordinances.

(f) Allow admission to the general public.

(4) Permit Application.

(a) A business wishing to participate in the RestInfo program must complete and submit a RestInfo Permit Application, Form FLI-163-RI, Rev. 11/02, incorporated herein by reference, which may be obtained from Florida Logos, Inc., 4706 Capital Circle, S. W., Tallahassee, FL 32305, phone number (888)608-0833.

(b) Approval of applications for participation in the Restinfo program shall be prioritized as follows:

1. Qualified applicants located closest to a rest area shall have first priority for display space.

2. Whenever space is not available, qualified applicants will be placed on a waiting list in priority order.

3. Waiting list applicants shall be approved as space becomes available with priority based upon the distance from the rest area to the applicant’s location. Distance will be measured along the main traveled way.

(5) Fees and Costs.

(a) Program participants shall be charged a permit fee for each display area at which a message is displayed. Such permit fees shall not exceed \$1800.00 per year for a 14"x 22" message, depending upon the location of the message within the display area. A \$50.00 production fee shall be charged for

each message. An additional \$50.00 production fee will be charged for any requested changes to the initial message, or for any requested changes of message location. Discounts may be given for the purchase of additional space within a display area or for purchase of space in multiple display areas.

(b) RestInfo program participants shall be responsible for remitting payment of the annual permit fee prior to the expiration date on the face of the permit. Payment must be received by the RestInfo Program Administrator, Florida Logos, Inc., on or before the expiration date, or the permit will expire and the message will be removed from the display area.

(c) The permit period shall be for a period of 12 months based on the date of issuance of the permit.

Specific Authority 334.044(2), 479.28 FS. Law Implemented 479.28 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Roger Eudy, Administrator, State Logo Program
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment and Minimum Contributions
RULE NO.: 19B-16.004
PURPOSE AND EFFECT: To revise the requirements for minimum contributions to the Florida College Savings Program.

SUMMARY: This rule change provides that the minimum contributions to the Florida College Savings Program will apply to the Program, rather than to the individual investment options that are available in the Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6), (7), (8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 28, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

(2) Neither a benefactor nor a designated beneficiary shall direct the investment of any contributions or amounts held in the Program.

(3) The benefactor must select one or more investment options for the funds contributed to an account on the application. A benefactor may change the selection of the investment options that will apply to future contributions to an account at any time. A benefactor may transfer all or any portion of the funds invested in one investment option or options to another investment option or investment options, to the extent permitted under Section 529 of the Internal Revenue Code.

(4) To establish an account, a benefactor must submit, together with the completed application one of the following:

(a) A deposit of not less than twenty-five dollars (\$25.00) ~~per investment option~~; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) ~~per investment option~~.

(5) After an account is established, all subsequent contributions ~~by the benefactor~~ to the account shall be:

(a) In an amount of not less than twenty-five dollars (\$25.00) ~~dollars per investment option~~; or

(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) ~~per investment option~~.

(6) A benefactor may make a contribution to the account at any time.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contingent Benefactor

RULE NO.: 19B-16.008

PURPOSE AND EFFECT: To delete the requirement that changes to the person named as the contingent benefactor for an account in the Florida College Savings Program be notarized.

SUMMARY: This rule change allows the benefactor of an account in the Florida College Savings Program to change the contingent benefactor for the account without having the change notarized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6), (8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 28, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.008 Contingent Benefactor.

The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor. Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written, ~~notarized~~ request signed by the benefactor to the Board.

Specific Authority 240.553(6),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 20, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile
 Homes**

RULE TITLES:	RULE NOS.:
Definitions	61B-15.0001
Definitions for Filings and Documents	61B-15.0011
Forms	61B-15.0012
Developer, Defined	61B-15.007

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Repeals the definitions of multicondominium and multicondominium association that have recently been defined by statute in Chapter 2000-302, Laws of Florida. Creates a rule containing definitions that recognize and facilitate electronic submissions and division responses and clarifies the meaning of “days” for purposes of statutory deadlines. Creates a rule that consolidates and renumbers required forms into one rule to assist the public in finding the forms; provides the address where the public may obtain the forms; clarifies and removes outdated language in the forms; and facilitates future changes to the forms. Simplifies and clarifies the definitions of “creating developer” and “successor developer.”

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(2),(11),(14),(17), 718.403, 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-15.0001 Definitions.

Specific Authority 718.501 FS. Law Implemented 718.103, 718.111(6), 718.302, 718.403 FS. History—New 7-11-93, Formerly 7D-15.0001, Amended 1-19-97, Repealed.

61B-15.0011 Definitions for Filings and Documents.

For purposes of these rules and sections 718.502, 718.503, and 718.504, Florida Statutes, the following definitions shall apply:

(1) “Documents” means any or all of the documents comprising the “filing” as that term is defined in these rules.

(2) “Days” means calendar days and, in computing any period of time prescribed or allowed for a filing or response, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. The term “legal holiday” means those days on which State of Florida government offices are closed for legal holiday as provided by section 110.117, Florida Statutes.

(3) “File” means to submit required documents to the division in the Tallahassee, Florida, office via ground mail, airmail, facsimile, e-mail, or other means, so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

(4) “Filing” means the documents required to be submitted to the division pursuant to sections 718.502, 718. 503, or 718.504, Florida Statutes. The documents or filing may be comprised of paper, CD-ROM, facsimile, e-mail, or other media, so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

(5) “Medium” or “media” means the format used to file documents with the division or deliver documents to purchasers. Examples of “media” include: paper, e-mail, facsimile, CD-ROM, and Internet website.

(6) “Offer” means any advertisement, inducement, solicitation, or attempt to encourage any person to acquire an interest in a condominium unit, either proposed or existing, if undertaken for gain or profit.

(7) “Received” or “receipt” by the division refers to the date on which the division or department actually receives a filing or documents related to a filing. If a filing is delivered to the division via facsimile or e-mail, the facsimile or e-mail confirmation sheet shall be evidence of the date on which the division received the filing. If the filing is delivered to the division via ground mail, airmail, or overnight service, the carrier’s delivery receipt shall be evidence of the date on which the division received the filing. In the absence of any of the foregoing evidence of division receipt, the division will use the earliest department or division date stamp on the filing as the date received.

(8) “Written” means and includes paper, CD-ROM, facsimile, e-mail, or other media so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History—New _____.

61B-15.0012 Forms.

(1) The forms prescribed for use by the division for submission of filings and documents are the following:

(a) Developer/Condominium Filing Statement, DBPR Form CO 6000-2, incorporated herein by reference and effective _____.

(b) Filing Statement for Subsequent Phases, DBPR Form CO 6000-3, incorporated herein by reference and effective _____.

(c) Notice of Condominium Recording Information, BPR Form CO 6000-1, incorporated herein by reference and effective _____.

(d) Frequently Asked Questions and Answers Sheet, DBPR Form CO 6000-4, incorporated herein by reference and effective _____.

(e) Certificate of Identical Documents, DBPR Form CO 6000-5, incorporated herein by reference and effective _____.

(f) Receipt for Condominium Documents, DBPR Form CO 6000-6, incorporated herein by reference and effective _____.

(g) Filing Checklist, DBPR Form CO 6000-7, incorporated herein by reference and effective _____.

(2) All forms may be obtained by contacting the Division of Florida Land Sales, Condominiums, and Mobile Homes, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

Specific Authority 718.501(1)(f), 718.502(1)(c), 718.621 FS. Law Implemented 718.403, 718.502, 718.503, 718.504, 718.618(8) FS. History—New _____.

61B-15.007 Developer, ~~Association~~, Defined.

(1) For purposes of Sections 718.202, 718.502, 718.503, and 718.504, Florida Statutes, and Rule 61B-23.003(9), Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(14), Florida Statutes, or these rules:

(a) ~~A creating developer, which means any person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business;~~

(b) ~~A successor or subsequent developer, which means any person, other than the creating developer or concurrent developer, who succeeds to the interests of a developer by sale, lease, assignment, foreclosure of a mortgage or other transfer and who offers condominium parcels for sale or lease in the ordinary course of business; or,~~

(c) No change.

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

(3) Notwithstanding the above, the presumption that one is offering condominium units in the ordinary course of business will not apply for filing purposes where all of the units are offered and conveyed to a single purchaser in a single transaction. An example of such a transaction would be a financial lending institution receiving title to a number of condominium units through foreclosure or deed in lieu of foreclosure and then conveying all of such units to another person. In such circumstances, the lending institution would not be deemed to be a developer for the filing purposes. However, such entity shall, upon the conveyance to a single purchaser, notify the ~~division bureau~~ in writing of the identity and business address of the purchaser, the name of the condominium involved, the date of the conveyance and the number of units conveyed.

Specific Authority 718.501 FS. Law Implemented 718.103(2),(11),(14),(17), 718.106(2), 718.502-504 FS. History—New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95. _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Glenn, Chief, Bureau of Standards and Registration,
 Division of Florida Land Sales, Condominiums and Mobile Homes,
 1940 North Monroe Street, Tallahassee, Florida
 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Kim Binkley-Seyer, Secretary,
 Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Developer, Filing	61B-17.001
Procedure for Filing	61B-17.002
Phase Condominium Filing	61B-17.003
Examination of Documents	61B-17.005
Filing and Examination of Amendments to Documents	61B-17.006
Alternative Assurances	61B-17.009
Delivery of Documents Via Alternative Media	61B-17.011

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Moves the definition of “offer” into the definitions rule (Rule 61B-15.0001, F.A.C.); amends the incorporation language for forms because all forms will be created and incorporated in one rule (Rule 61B-15.0012, F.A.C.) and moves the division’s address for obtaining forms into one place (Rule 61B-15.0012, F.A.C.); requires disclosure of address or other location information related to the condominium as proof of the developer’s ownership or contractual interest in the land prior to offering; deletes redundant or unnecessary language. Re-inserts the form certificate of identical documents that allows a developer to make reference to previously filed documents without re-filing the same documents again; states that the division shall utilize electronic means of communication unless the developer requests a hard copy. Clarifies the term “subsequent phase” and related filing procedures; clarifies the statutory requirement that subsequent phases require the payment of filing fees for units added by the subsequent phase; deletes language rendered unnecessary or redundant by passage of later statutes. Includes various changes to eliminate the separate form review and form approval letter now required prior to offering; specifies that developers can offer condominium units upon filing with the division but may not close on contracts until all statutory conditions precedent are satisfied; limits the ability of the developer to ask for unlimited extension of time in which to respond to deficiencies cited by the division; simplifies the various timeframes allowed for certain actions, provides that all days referenced are calendar days; clarifies that the division’s review time and review will not commence until proper filing fees are received. Broadens yet simplifies the

definition of amendment and provides that all changes to previously approved documents are amendments, regardless of the nature of the changes or the identity of the filer; excludes certain types of filings that the division does not review; provides that subsequent phase amendments shall be filed pursuant to the rule on subsequent phases; removes the requirement to notify the division when all units have been conveyed; clarifies existing interpretation that no filing fees are required for certain submissions that do not change an accepted filing; streamlines successor developer filing process by requiring that all changes after initial filing acceptance be filed as amendments while retaining current filing fee structure for successor developer amendments; simplifies industry amendment processes by identifying certain types of ministerial amendment changes as non-material and not re-opening rescission rights of purchasers; simplifies the various timeframes allowed for certain actions, provides that all days referenced are calendar days; makes conforming changes related to elimination of form review. Adds provisions related to the review and approval of an alternate assurance for use of purchase deposits prior to completion of construction; deletes some existing provisions related to review and approval of letters of credit; provides a list of acceptable assurances and minimum terms and conditions required in the assurance instrument. Creates provisions that recognize the developer’s ability to disseminate documents to the public via electronic means; requires that purchaser has the choice of electronic or hard copy documents; requires disclosure of the purchaser’s election in a separate disclosure statement that includes the system requirements necessary to open and view the documents; provides that the alternative media disclosure statement shall be listed on the form receipt for documents on which purchasers sign to acknowledge their receipt of required documents; provides that the developer must file a sample copy of the alternative media documents with the division along with a certificate of identical documents, indicating that the alternative media documents are identical to the hard copy documents accepted by the division.

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

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

SPECIFIC AUTHORITY: 718.501, 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(14), 718.104, 718.403, 718.502, 718.502(1)(c), 718.504(20), 718.104(4)(i), 718.301, 718.503, 718.504, 718.202, 718.403(1)-(7), 718.503(2), 718.104(4)(f), 718.501, 718.502, 718.103(14), 718.502(3), 718.202(1), 718.501(1)(d)2. FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-17.001 Developer, Filing.

~~(1) “Offer” means any advertisement, inducement, solicitation, or attempt to encourage any person to acquire an interest in a condominium unit, either proposed or existing, if undertaken for gain or profit.~~

~~(1)(2)(a) Except in the case of a reservation program, a developer of a residential condominium shall file with the Division one copy of each document required by Sections 718.502(5), 718.503, and 718.504, Florida Statutes. The filing shall occur at the time the condominium is created pursuant to Section 718.104, Florida Statutes, or prior to any offering of a condominium unit to the public, whichever occurs first. The developer shall submit with the filing a Developer/Condominium Filing Statement, DBPR Form CO 6000-2 BPR form 33-016, referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. When each subsequent phase is filed, the developer shall submit DBPR Form CO 6000-3 BPR form 33-017, Filing Statement for Subsequent Phases, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. BPR forms 33-016 and 33-017 may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~

(b) In the case of a reservation program, a developer of a condominium shall file with the Division one copy of each document required by Section 718.502(2), Florida Statutes,

and shall obtain approval of the Division prior to any offering of a condominium unit to the public. In addition, a developer shall file, prior to offering, proof of the developer’s ownership, contractual, or leasehold interest in the land upon which the condominium is to be developed. Such evidence must provide the address, or otherwise specify the location, of the land upon which the condominium is to be developed.

(2) For purposes of this rule the Division shall accept a signed written statement from the developer or the developer’s attorney describing the developer’s interest in the land upon which the condominium is to be developed. The signature of the developer or the developer’s attorney constitutes a certificate that they have read the statement and, to the best of their knowledge information, and belief formed after reasonable inquiry, the statement accurately describes the developer’s interest in the land.

~~(3) Upon receipt of a developer’s filing, the Division will take action pursuant to these rules. When a filing is determined to be in correct form pursuant to Rule 61B-17.005, Florida Administrative Code, offerings to the public may be made pursuant to the statute and these rules.~~

~~(3)(4) Upon recording the declaration of condominium pursuant to Section 718.104(2), Florida Statutes, or amendments adding phases pursuant to Section 718.403, Florida Statutes, the developer shall file the recording information with the division within 120 30 working days on DBPR Form CO 6000-001, NOTICE OF CONDOMINIUM RECORDING INFORMATION, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective April 14, 1999. This form may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~

~~(4)(5) Frequently Asked Questions and Answers Sheet. Each developer shall submit with its filing a completed Frequently Asked Questions and Answers Sheet substantially conforming to DBPR Form CO 6000-4 BPR form 33-032, FREQUENTLY ASKED QUESTIONS AND ANSWERS SHEET, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. This form may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~ The answers to the questions may be summary in nature, in which case the answers shall refer to identified portions of the condominium documents.

~~(5)(6) Estimated Operating Budgets. Each condominium filing shall include an estimated operating budget conforming to the requirements of Rule 61B-22.003, Florida Administrative Code, in a single exhibit labeled “Estimated Operating Budget.”~~

~~(6) Once a developer has filed documents with the division for review pursuant to Rule 61B-17.005, Florida Administrative Code, the developer may offer units to the~~

public. However, the developer shall not close on contracts until the documents are approved by the division pursuant to Rule 61B-17.005, Florida Administrative Code.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.104, 718.403, 718.502, 718.504(20) FS. History—New 11-15-77, Amended 7-22-80, 7-6-81, 8-31-83, 10-1-85, Formerly 7D-17.01, Amended 1-27-87, 7-10-88, Formerly 7D-17.001, Amended 2-22-94, 2-20-97, 4-14-99, _____.

61B-17.002 Procedure for Filing.

(1) through (4) No change.

(5) There shall be submitted with each filing a Filing Checklist which substantially conforms to DBPR Form CO 6000-7 BPR Form 33-031, Filing Checklist, as referenced in Rule 61B-15.0012, Florida Administrative Code incorporated herein by reference and effective 4-1-92.

(6) No change.

(7) If the developer wishes to include in the filing certain documents that were previously reviewed and accepted by the division, the filing shall be accompanied by DBPR Form CO 6000-5, Certificate of Identical Documents, as referenced in Rule 61B-15.0012, Florida Administrative Code.

(8) Wherever possible, the division shall utilize electronic means of communication in its correspondence with the developer including e-mail and facsimile. If requested, the division shall utilize the means of communication preferred by the developer.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202, 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, Formerly 7D-17.02, Amended 4-1-92, Formerly 7D-17.002, Amended _____.

61B-17.003 Phase Condominium Filing.

(1) Every developer of a phase residential condominium shall file the initial phase with the Division. Said initial filing shall be submitted as required by Rule 61B-17.002, Florida Administrative Code.

(2) “Subsequent Phase” means any phase not submitted to the condominium form of ownership with the recording of the original declaration of condominium. Subsequent phase(s) shall be filed as set forth below prior to offering any unit therein for sale or lease when the lease period is more than five years. Amendments to the declaration providing for subsequent phases and supporting documentation may be filed at the same time as the initial filing, or at a later time, but at any time all requirements of this rule shall be observed.

(3) In addition to filing as mentioned above, upon recording an amendment to the declaration submitting a subsequent phase to the condominium form of ownership, the developer shall file the recording information in accordance with Rule 61B-17.001(4), Florida Administrative Code. In addition, Upon substantial completion of the construction of each subsequent phase, the developer shall file with the Division a survey prepared by a surveyor authorized to practice in the State of Florida with the appropriate certificate of the surveyor. Said certificate shall state that the construction of the

improvements is substantially complete and is an accurate representation of the location and dimensions of the improvements. There shall be no filing fee for the filings described in this paragraph.

(4) When subsequent phase(s) are filed, the developer shall submit all amendments and all additional information, as outlined in Chapter 718 and these rules, ~~that which~~ that which pertain to said phase. Documents previously filed with the initial phase and which also pertain to the subsequent phase being filed, may be incorporated into the filing of subsequent phase(s) by reference thereto in the Filing Statement for Subsequent Phase(s).

(5) Subsequent phases shall be filed using the amendment procedures provided by Rule 61B-17.006, Florida Administrative Code, except that the \$100 filing fee shall not apply. The filing fee due pursuant to Section 718.502(3), for each residential unit being added in the subsequent phase, shall accompany the filing. Each filing of a subsequent phase shall be submitted with the Filing Statement for Subsequent Phase(s), ~~and the appropriate fees as described in Chapter 718.~~

(6) Filing for each subsequent phase shall contain a Table of Contents identifying the contents of the filing and their page numbers. The developer shall prepare the Table of Contents indicating the order in which the documents appear in the subsequent filing in order to facilitate review by the Division.

(7) The declaration for an initial phase shall include a description of each anticipated phase in the manner required by Section 718.403, Florida Statutes.

(a) The estimated operating budget filed with the Division in a phase condominium shall include a budget for the condominium completed through the phase being filed and a budget for the condominium as it would be upon completion of all phases, using estimated expenses as of the date of filing.

(b) The description of the general size of units pursuant to Section 718.403(2)(b), Florida Statutes, shall be stated in terms of approximate square footage per unit type.

~~(c) The declaration shall contain a formula by which a unit owner can compute that unit's change in percentage or proportion of ownership in the common elements as each phase is added.~~

~~(8) “Commencement” of a phase pursuant to Section 718.403(3), Florida Statutes, means the issuance of a building permit or the equivalent authorization issued by the governmental body having jurisdiction, or the recording of the amendment to the declaration adding the phase, whichever occurs first. The required notice shall be mailed within five business days of commencement.~~

~~(8)(9)~~ Any amendment to the declaration ~~that which~~ that which adds subsequent phases shall state the resulting percentage or proportion of the ownership interest in the common elements appurtenant to each unit.

~~(9)(10)~~ After the original declaration of condominium has been recorded, any amendment changing the estimated completion dates of any phase or changing the items required to be included in the original declaration by Section 718.403(2), Florida Statutes, shall be approved by all unit owners, ~~unless:~~

~~(a) The original declaration was recorded prior to May 11, 1982 and the declaration as originally recorded gave the developer the authority to amend such provisions without the consent of all unit owners; or~~

~~(b) The original declaration was recorded on or after October 1, 1984 and the original declaration gives the developer the authority to amend those items and the amendment is consistent with the provisions of Section 718.403(2), Florida Statutes.~~

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.403(1)-(7), 718.502(3), 718.503(2), 718.104(4)(f) FS. History—New 11-15-77, Amended 7-22-80, 5-11-82, Formerly 7D-17.03, Amended 1-27-87, Formerly 7D-17.003, Amended 1-20-97, _____.

61B-17.005 Examination of Documents.

(1) Upon receipt of a filing, the Division will determine whether the filing is in proper ~~correct~~ form. The filing is considered to be in proper ~~correct~~ form when:

(a) All forms and documents, properly completed, tabbed, labeled and assembled in accordance with these rules, are included;

(b) The Condominium Filing Statement has been completed properly; and

(c) The correct filing fee has been received by the Division.

~~(2) Upon the completion of review for correct form, the Division will notify the developer or its agent of the status of the filing by mail. The notice shall state whether the filing is acceptable or unacceptable for purposes of the examination process. If the division does not give notice is not given within (10) business days after receipt of the filing, the filing is presumed to be in proper correct form for purposes of the examination process. If the filing is not considered to be in proper correct form, the Division shall notify the developer or its agent of the unacceptability of the filing and the specifically state the reasons therefor for not accepting the filing.~~

(3)(a) ~~When the filing is found to be in correct form, The~~ Division will examine the content of the filing to determine its sufficiency under the Condominium Act and these rules. Within 45 days from receipt of the initial filing documents in correct form, the Division shall notify the developer or its agent by mail of any deficiencies ~~in the content~~ or that the filing is accepted proper for filing purposes. If the notice is not given within 45 days from receipt of the filing documents in correct form, the filing is presumed to be accepted properly filed. However, failure to notify the developer or its agent of

any deficiencies shall not preclude the determination of deficiencies at a later date nor shall it relieve the developer of any responsibility under the law.

(b) Division acceptance of a filing pursuant to these rules shall automatically expire if, within 24 months after the date of the Division’s acceptance letter ~~for filing purposes~~, the developer has not, pursuant to Section 718.104, Florida Statutes, created the condominium indicated in the accepted filing, or in the case of a phase condominium, has not created the phase or phases pertaining to that filing. However, Division acceptance of a filing will not expire if, within 30 days before or after the expiration of the 24-month period referenced above, the developer in writing requests to extend the filing acceptance for an additional 24-month period. Additional requests to extend the acceptance may be filed within 30 days before or after the expiration of any requested extension. There is no fee associated with the timely filing of a request to extend the Division’s acceptance of a developer filing. Accompanying each request for extension shall be a statement signed by the developer or its duly authorized representative affirming that as of the date the request for extension is sent to the Division, all changes to the accepted filing occasioned by changes in Chapter 718, The Condominium Act, and the rules of the Division, have been effectuated. The developer, when the filing acceptance expires pursuant to this rule, shall immediately and in writing notify all purchasers under contract of the expiration of acceptance of the filed documents and shall offer immediate refunds of any deposits collected, as well as interest as appropriate, under the contracts. If a filing acceptance expires, the developer, when subject to the provisions of Section 718.202, Florida Statutes, shall, within 45 days of such expiration, provide to the Division a complete accounting of any deposits collected pursuant to the accepted documents. A complete refiling of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, shall be required prior to any additional offerings.

(c) As utilized in this rule, the phrase “complete accounting” refers to a list of the names and addresses of all purchasers under contract, the date each contract was entered into, the amount of each deposit, the date and amount of each disbursement from the escrow account, and a copy of all notifications to purchasers under contract required by this rule.

(4) The developer shall have 45 days from the date of the division’s notification of deficiencies in the filing reservation documents or condominium documents filings to correct any ~~form or content~~ deficiencies noted by the division. The division shall, however, grant an extension of the 45-day period upon written request received by the division within the 45-day period, which request shall set forth the reasons for the request. If deficiencies are not corrected within the 45-day period and an extension of time is not timely requested, the division shall reject the filing and no further offers may be

made. The developer will not be granted more than four (4) 45-day extensions. The division shall notify the developer of said rejection by a final order. Prior to the issuance of a final order, the division shall notify the developer of the pending action and shall provide an opportunity for the developer to respond in writing or at a hearing if requested. If a filing is rejected, the developer, when subject to the requirements of Section 718.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete refiling of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

(5) The Division shall notify the developer or its agent within 30 20-business days from the receipt of documents correcting noted deficiencies of the acceptability of the corrections. If the notice is not given within 30 20-business days, the documents will be considered accepted proper for filing purposes.

(6) In no event shall the division's acceptance of the filing proper filing with the Division be construed as a division endorsement or approval of the offering by the Division and no document or offering material shall indicate that the Division has in any manner endorsed or approved the offering.

(7) If a filing is received without the correct filing fee, the division's review period will not commence and the filing will not be reviewed. If the correct filing fee is not submitted within one week after the developer receives the division's notification, the filing will be returned, no further offers may be made, and all purchasers under contract shall be entitled to a refund of any deposit and interest earned thereon.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.501, 718.502 FS. History—New 11-15-77, Amended 7-22-80, 8-31-83, Formerly 7D-17.05, Amended 9-7-88, 3-21-89, Formerly 7D-17.005, Amended _____.

61B-17.006 Filing and Examination of Amendments to Documents.

(1) "Amendment" means any change to documents that have previously been filed with and accepted by the division, whether technical or substantive, regardless of the procedure by which the change is made. Developers shall file such changes as amendments, regardless of the nature of the changes. For purposes of this rule, "amendment" does not mean an amendment to a recorded declaration adding a subsequent phase pursuant to Section 718.403(6), Florida Statutes. Amendments adding subsequent phases shall be filed in accordance with Rule 61B-17.003, Florida Administrative Code.

(2)(a) Every developer of a condominium who holds a unit for sale in a condominium shall submit to the division any amendments in documents or items on file with the division and deliver to the purchaser pursuant to Rule 61B-18.001, Florida Administrative Code, all amendments prior to closing, but in no event, later than 10 days after the amendment. ~~When all units in the condominium have been conveyed, the developer shall so notify the division in writing.~~

(b) Upon filing an amendment or amendments to documents or items that which have been accepted by the division, the developer shall pay to the division a filing fee of \$100 per filing. A developer may include within each filing, multiple amendments relating to a single condominium in which case a filing fee of only \$100 shall be charged. However, there shall be no charge for filing documents that do not change an accepted condominium filing, such as a Certificate of Incorporation, or a change to a notice of intended conversion, reservation program, or notice of termination of condominium. Filing of an amendment to effectuate a change in the form of the business organization of the developer or a merger or consolidation of the developer with another entity or entities will require payment of a filing fee pursuant to Section 718.502(3), Florida Statutes, with respect to the residential units being offered by the developer.

(c) The following amendments do not materially alter or modify the offering within the meaning of Section 718.503, Florida Statutes. However, nothing herein shall preclude a developer from arguing that other amendments not expressly described herein do not materially alter or modify the offering within the meaning of Section 718.503, Florida Statutes.

1. Any grammatical or typographical correction, or change in presentation or format that does not affect the meaning of any provision of the accepted offering documents and does not violate conspicuous type or other disclosure requirements contained in Chapter 718, Florida Statutes;

2. Any substitution of an executed, filed or recorded copy of a document for the otherwise identical unexecuted, unfiled or unrecorded copy of the document contained in the accepted offering documents (with regard to the inclusion of a recorded phase amendment pursuant to Sections 718.110 and 718.403, Florida Statutes, substitution shall be permitted if the form of phase amendment accepted with the initial registration is utilized for the phase amendment and the only modifications are ministerial in nature and designed to complete the amendment instrument as originally contemplated);

3. Inclusion of updated information such as identification or description of:

a. The current officers and directors of the association;
b. The name or ownership of the developer so long as the business organization of the developer still exists;

c. Phases added to the condominium in accordance with the phasing plan, pursuant to Section 718.403, Florida Statutes, and accepted by the division;

d. Any action taken pursuant to any previously disclosed reserved right not arising under Section 718.110(4) or 718.403(2), Florida Statutes;

e. Disclosure of improvements for which construction has been completed and which improvements were either previously proposed or not complete;

f. Modification of the applicable budgets to incorporate submission of additional phases committed to the condominium; or

g. Elimination of disclosures required by Section 718.504(12), Florida Statutes, following transfer of control of the association pursuant to Section 718.301, Florida Statutes.

4. Any inclusion of information that will have application only to purchasers not currently under contract;

5. Modifications related to an increase in closing costs for prospective purchasers;

6. Modifications related to a change in the escrow agent or changes in the provision of title insurance; or

7. Modification of a master escrow agreement to include additional condominium projects or to remove condominium projects for which the developer is no longer offering units for sale.

(3) through (6) No change.

(7) Within 20 ~~15~~ business days after the receipt of documents responding to deficiencies noted by the division, the division ~~agency~~ shall notify the developer or its agent as to the acceptability of the corrected documents. If the notice is not given within 20 ~~15~~ business days, the amended documents will be considered accepted ~~proper for filing purposes~~.

(8)(a) ~~For filing purposes, After the filing is accepted receiving an initial Rule 61B-17.005(5), Florida Administrative Code, filing acceptance,~~ a developer shall not alter the condominium type through these amendment procedures. For purposes of this rule, the condominium types utilized by the Division are as follows:

1. Standard Condominium refers to a single condominium operating under a single condominium association the development of which is completed in one stage of construction, as opposed to a phase condominium;

2. Land Condominium refers to a condominium in which the residential units of the real property being submitted to the condominium form of ownership consist of land only;

3. Planned Unit Development refers to a condominium which is included in or located within a real property development project ~~that which~~ contains or will contain other types of real property ownership such as townhouses or single family homes;

4. Conversion Condominium refers to a condominium development in which currently existing real property improvements are being converted to residential condominium ownership;

5. Phase Condominium means a condominium developed pursuant to Section 718.403, Florida Statutes; and,

6. ~~Multi-condominium~~ Multicondominium means a condominium ~~that which~~ is part of or included within a development which contains more than one condominium operated by a single association.

(b) In order to change the condominium type of an accepted condominium filing, for example changing from a standard condominium plan to a phase plan, conversion, or planned unit development, or any combination thereof, the developer must file anew with the Division pursuant to Section 718.502, Florida Statutes, and Rule 61B-17.005~~(5)~~, Florida Administrative Code.

(9) In no event shall the division's acceptance of an amendment ~~proper filing with the Division~~ be construed as endorsement ~~or approval~~ of the amendment by the Division. No documents or offering materials shall indicate the Division has in any manner endorsed ~~or approved~~ the materials.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.502, 718.502(3), 718.503, 718.504 FS. History--New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-17.06, Amended 1-27-87, 4-1-92, 7-11-93, Formerly 7D-17.006, Amended 11-23-93, _____.

61B-17.009 Alternative Assurances.

(1) This rule governs alternative assurances provided for in section 718.202, Florida Statutes. An alternative assurance must be approved by the Division Director prior to the use by a Developer of the sales deposits intended to be assured. Pending approval, sales deposit funds to be assured by the alternative assurance must be placed in escrow.

(2) Procedure for Filing. A proposed alternative assurance filing should be submitted under cover separate from any condominium filing. The alternative assurance filing must include:

(a) A COVER LETTER explaining the details of the alternative assurance. The letter must include the name and address of the condominium for which the assurance is intended;

A COPY OF THE INSTRUMENT evidencing the proposed assurance; and

(c) A copy of the purchase deposit escrow agreement. The escrow agreement shall contain the following minimum provisions: A current sale PRICE LIST

1. The developer and escrow agent must have the Division Director's written approval of the use of an assurance prior to its use by the developer.

2. The amount of any assurance plus the amount of any sales deposits in escrow must at all times equal or exceed the amount of sales deposits required to be assured by Section 718.202, Florida Statutes. It is the developer's duty to ensure that the assurances are adequate.

3. The developer shall provide the escrow agent with a monthly report of the amount of funds currently assured. The developer shall provide the division with a quarterly report of the amount of funds currently assured.

4. The developer shall ensure that the Division Director, escrow agent and the developer receive at least a 30-day notice prior to the cancellation of any assurance.

5. At least 15 days prior to the expiration of any assurance posted in lieu of the escrow requirements of Section 718.202, Florida Statutes, the developer must place funds assured by the instrument into escrow.

~~(d) A copy of the purchase and sale agreement containing ADEQUATE NOTICE TO PURCHASERS that sales deposits may be used by developer if alternatively assured OR WRITTEN CONSENT FROM PURCHASERS to use alternatively assured sales deposits.~~

(3) Types of assurances. As provided by Section 718.202(1), Florida Statutes, the Division Director is authorized to accept the following types of assurances: Sample Forms. The Division may maintain a sample letter of credit (DBR 323) and a sample escrow agreement (DBR 324) subject to revision at any time without notice. Use of the samples is optional and does not guarantee Division approval.

(a) A surety bond issued by a company authorized and licensed to issue surety bonds in Florida;

(b) An irrevocable letter of credit issued by a financial institution as defined by section 655.005, Florida Statutes, and located in Florida; or

(c) A cash bond held by the escrow agent.

(4) Minimum terms and conditions. The assurance instrument shall include the following minimum terms and conditions: Criteria for Review. The Division Director will approve an alternative assurance if, in his discretion, he determines that the assurance protects sales deposits equally as well as if placed in escrow. The determination will be made on the facts of each case. The likelihood of approval of an alternative assurance in the form of a letter of credit is increased if:

(a) The escrow agent has authority to draw on the assurance and treat the drawn funds as if they were escrowed funds; The letter is irrevocable;

(b) The Division Director has authority to draw on the assurance when circumstances warrant a draw and the escrow agent fails to do so; The letter is readily convertible to cash;

(c) The original expiration date of any letter of credit or surety bond shall be not less than one year from the date of issuance; and The issuer of the letter is sufficiently sound relative to the obligations of the letter;

(d) If the assurance is automatically renewable the issuer shall give the escrow agent and the Division Director not less than 30 days notice of cancellation. The escrow agent has

authority to draw on the letter and treat the drawn funds as if they were escrowed funds under section 718.202(1), Florida Statutes;

~~(e) The Director has authority to draw on the letter when the escrow agent fails to do so and circumstances warrant a draw.~~

(5) Purchaser Refunds: During the period in which any letter of credit is in effect, if any purchaser is entitled to a refund as provided in Section 718.202(1), Florida Statutes, the refund must be made to the purchaser within thirty (30) days after the purchaser's request.

~~(6) Value of a Letter of Credit: The amount of any letters of credit plus the amount of any sales deposits in escrow must at all times equal or exceed the amount of sales deposits required to be assured by section 718.202, Florida Statutes. It is the developer's burden to see that the assurances are adequate.~~

~~(7) Expiration of Letters of Credit: Upon expiration of a letter of credit, the Developer must immediately place funds assured by the letter instrument into escrow.~~

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202(1), 718.501(1)(d)2. FS. History--New 4-12-82, Formerly 7D-17.09, 7D-17.009, Amended _____.

61B-17.011 Delivery of Documents via Alternative Media.

(1) If the developer wishes to use alternative media (for example, CD-ROM) for delivery of documents to purchasers, the developer must give the purchaser the option of receiving paper documents or alternative media documents. The purchaser's choice of delivery method shall be set forth in writing on a form called the "alternative media disclosure statement." The form "alternative media disclosure statement" shall be filed with the division for review and approval along with other required documents. The form shall:

(a) Be separate from other documents delivered;

(b) Disclose the system requirements (for example, operating system, memory, hard drive, processor speed, printer requirements, software) necessary to view the alternative media documents;

(c) State that the purchaser should not select alternative media unless the purchaser will have the means to read the documents before the expiration of the 15-day cancellation period. The alternative media disclosure statement shall be listed on the form receipt for documents in the manner prescribed in DBPR Form CO 6000-6, Receipt for Condominium Documents, as referenced in Rule 61B-15.0012, Florida Administrative Code, and as required in subsection 61B-18.004(3), Florida Administrative Code. If a portion, but not all, of the documents are delivered through the use of alternative media, the developer shall identify in the prospectus table of contents and in the receipt for condominium documents which documents are being delivered via alternative media and which documents are being delivered in paper form.

(2) Prior to delivery of documents to a purchaser via alternative media, the developer must submit to the division a sample copy of the alternative media proposed for use by the developer together with an executed certificate, using the form prescribed in DBPR Form CO 6000-5, Certificate of Identical Documents, referenced in Rule 61B-15.0012, Florida Administrative Code, certifying that the portion of the documents delivered via alternative media is identical in form and substance to the corresponding portion of the documents reviewed and accepted by the division.

(3) In the event that the developer amends the documents and wishes to deliver the amendment to purchasers via alternative media, the provisions of this rule shall apply.

Specific Authority 718.501(1)(f), 718.501(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Receipt for Condominium Documents

RULE NO.: 61B-18.004

PURPOSE AND EFFECT: The changes are part of an overall effort to update and clarify the filing rules for condominiums. The proposed rule change would remove language from the rule that should more properly be in a form and recreate the language as a form.

SUMMARY: Removes language contained in the rules that should more properly appear in a form. The language is preserved as a new form that is created in Rule 61B-17.0012, F.A.C.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-18.004 Receipt for Condominium Documents.

(1) Every developer who enters into a contract for the sale of a residential condominium unit or for the lease of a residential condominium unit for a lease period of more than five years shall obtain from the purchaser or lessee a receipt acknowledging that he has been provided the required documents by the developer.

(2) The developer shall itemize all items which are applicable and are to be delivered to the purchaser. Those items to be delivered shall be those documents required by the Division for filing during the examination period.

(3) Said receipt shall be in substantially the following form prescribed by DBPR Form CO 6000-6, Receipt for Condominium Documents, as referenced in Rule 61B-15.0012, F.A.C., and shall include but not be limited to the items listed. A copy of the receipt form shall be submitted to the Division at the time of filing. The developer shall provide the purchaser or lessee with a copy of the signed receipt, upon request.

RECEIPT FOR CONDOMINIUM DOCUMENTS

~~The undersigned acknowledges that the documents checked below have been received or, as to plans and specifications, made available for inspection.~~

Name of Condominium _____

Address of Condominium _____

Place a check in the column by each document received or, for the plans and specifications, made available for inspection.

If an item does not apply, place "N/A" in the column.

DOCUMENT RECEIVED

Prospectus Text

Declaration of Condominium

Articles of Incorporation

By-Laws

Estimated Operating Budget

Form of Agreement for Sale or Lease

Rules and Regulations

Covenants and Restrictions

Ground Lease

Management and Maintenance Contracts for More Than One Year

Renewable Management Contracts

Lease of Recreational and Other Facilities to be Used Exclusively by Unit

Owners of Subject Condominiums

Form of Unit Lease if a Leasehold

Declaration of Servitude

Sales Brochures

Phase Development

Description (see 718.503(2)(k) and 504(14))

Lease of Recreational and Other Facilities to be Used by unit owners with

other condos (See 718.503(2)(h))

Description of Management for Single Management of Multiple

Condominiums (See 718.503(2)(k))

Conversion Inspection Report

Conversion Termite Inspection Report

Plot Plan

Floor Plan

Survey of Land and Graphic Description of Improvements

Executed Escrow Agreement

MADE AVAILABLE

Plans and Specifications

~~THE PURCHASE AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THE PURCHASE AGREEMENT BY THE BUYER AND RECEIPT BY THE BUYER OF ALL OF THE DOCUMENTS REQUIRED TO BE DELIVERED TO HIM BY THE DEVELOPER. THE AGREEMENT IS ALSO VOIDABLE BY THE BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO~~

~~EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS AFTER THE BUYER HAS RECEIVED ALL OF THE DOCUMENTS REQUIRED. BUYER'S RIGHT TO VOID THE PURCHASE AGREEMENT SHALL TERMINATE AT CLOSING.~~

Executed this ___ day of ___, 19__.

Purchaser or lessee

Purchaser or lessee

(4) The developer should retain a copy of the signed receipt for a period of five years after the date of closing of the transaction. Said receipt should be maintained in the official business records of the developer.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-18.04, 7D-18.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-22.001
Budgets	61B-22.003
Reserves	61B-22.005

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Language is added to clarify that payroll and personnel records, purchase invoices, and all invoices for services provided to the association, are all included in the definition of "accounting records." Recognizes the use of a pooled account for reserves and provides that a schedule showing each reserve account is not necessary if a pooled account for reserves is used; provides an alternate disclosure method for the use of a pooled account for reserves; clarifies

the effect on a phase condominium annual budget of a change in proportionate ownership of common elements; provides an effective date for the adjusted annual budget; clarifies the method for amending a previously approved annual budget. Recognizes the concept of funding a group of assets using a pooled analysis of two or more required assets and provides requirements and direction related to the pooled account method; clarifies that the chosen reserve funding formula shall not include any type of balloon payment.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(12), 718.301, 718.501, 718.111(6), 718.112(2)(f), 718.112(2)(e)-(f), 718.618 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-22.001 Definitions.

(1) "Accounting records" include all of the books and records identified in Section 718.111(12)(a)11., Florida Statutes, and any other records that identify, measure, record, or communicate financial information whether the records are maintained electronically or otherwise, including all payroll

and personnel records of the association all invoices for purchases made by the association, and all invoices for services provided to the association.

(2) through (4) No change.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(12), 718.112(2)(f), 718.301, 718.501 FS. History—New 7-11-93, Formerly 7D-22.001, Amended 12-20-95,_____.

61B-22.003 Budgets.

(1) Required elements for estimated operating budgets. The budget for each association shall:

(a) through (d) No change.

(e) Unless the association maintains a pooled account for reserves required by Section 718.112(2)(f)2., Florida Statutes, the association shall include ~~include~~ a schedule stating each reserve account for capital expenditures and deferred maintenance as a separate line item with the following minimum disclosures:

1. through 5. No change.

(f) If the association maintains a pooled account for reserves required by Section 718.112(2)(f)2., Florida Statutes, the association shall include a separate schedule of any pooled reserves with the following minimum disclosures:

1. The total estimated useful life of each asset within the pooled analysis;

2. The estimated remaining useful life of each asset within the pooled analysis;

3. The estimated replacement cost or deferred maintenance expense of each asset within the pooled analysis; and

4. The estimated fund balance of the pooled reserve account as of the beginning of the period for which the budget will be in effect.

(g)(f) Include a separate schedule of any other reserve funds to be restricted by the association as a separate line item with the following minimum disclosures:

1. The intended use of the restricted funds; and

2. The estimated fund balance of the item as of the beginning of the period for which the budget will be in effect.

(2) through (5) No change.

(6) Phase condominium budgets. By operation of law, the annual budget of a phase condominium created pursuant to Section 718.403, Florida Statutes, shall automatically be adjusted to incorporate the change in proportionate ownership of the common elements by the purchasers and to incorporate any other changes related to the addition of phases in accordance with the declaration of condominium. The adjusted annual budget shall be effective on the date that the amendment to the declaration adding a phase to a phase condominium is recorded in the official records of the county in which the condominium is located. Notwithstanding the requirements of subsection (7) of this rule, the association shall

not be required to follow the provisions of Section 718.112(2)(c), Florida Statutes, unless, as a result of the budget adjustment, the assessment per unit has changed.

(7) Budget assessment amendments. The association may amend a previously approved annual budget. In order to do so the board of administration shall follow the provisions of Section 718.112(2)(e), Florida Statutes. For example, the board shall mail a meeting notice and copies of the proposed amended annual budget to the unit owners not less than 14 days prior to the meeting at which the budget amendment will be considered.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(6), 718.112(2)(e),(f), 718.113, 718.501, 718.618 FS. History—New 7-11-93, Formerly 7D-22.003, Amended 12-20-95, 12-18-01.

61B-22.005 Reserves.

(1) Reserves required by statute. Reserves required by Section 718.112(2)(f), Florida Statutes, for capital expenditures and deferred maintenance including roofing, painting, paving, and any other item for which the deferred maintenance expense or replacement cost exceeds \$10,000 shall be included in the budget. For the purpose of determining whether the deferred maintenance expense or replacement cost of an item exceeds \$10,000, the association may consider each asset of the association separately. Alternatively, the association may group similar or related assets together. For example, an association responsible for the maintenance of two swimming pools, each of which will separately require \$6,000 of total deferred maintenance, may establish a pool reserve, but is not required to do so.

(2) Commingling operating and reserve funds. Associations that collect operating and reserve assessments as a single payment shall not be considered to have commingled the funds provided the reserve portion of the payment is transferred to a separate reserve account, or accounts, within 30 calendar days from the date such funds were deposited.

(3) Calculating reserves required by statute. Reserves for deferred maintenance and capital expenditures required by Section 718.112(2)(f), Florida Statutes, shall be calculated using a formula that will provide funds equal to the total estimated deferred maintenance expense or total estimated replacement cost for an asset or group of assets over the remaining useful life of the asset or group of assets. Funding formulas for reserves required by Section 718.112(2)(f), Florida Statutes, shall be based on either a separate analysis of each of the required assets or a pooled analysis of two or more of the required assets.

(a) If the association maintains separate reserve accounts for each of the required assets, the amount of the current year contribution to each reserve account shall be the sum of the following two calculations:

1. The total amount necessary, if any, to bring a negative account balance to zero; and

2. The total estimated deferred maintenance expense or estimated replacement cost of the reserve asset less the estimated balance of the reserve account as of the beginning of the period for which the budget will be in effect. The remainder, if greater than zero, shall be divided by the estimated remaining useful life of the asset. The formula may be adjusted each year for changes in estimates and deferred maintenance performed during the year and may consider factors such as inflation and earnings on invested funds.

(b) If the association maintains a pooled account of two or more of the required reserve assets, the amount of the contribution to the pooled reserve account as disclosed on the proposed budget shall be not less than that required to ensure that the balance on hand at the beginning of the period for which the budget will go into effect plus the projected annual cash inflows over the remaining estimated useful lives of all of the assets that make up the reserve pool are equal to or greater than the projected annual cash outflows over the remaining estimated useful lives of all of the assets that make up the reserve pool, based on the current reserve analysis. The projected annual cash inflows may include estimated earnings from investment of principal. The reserve funding formula shall not include any type of balloon payments.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(f), 718.501, 718.618 FS. History—New 7-11-93, Formerly 7D-22.005, Amended 12-20-95, 1-19-97, 12-18-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Peet, Financial Supervisor, Bureau of Compliance, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES: Operation of the Association Regular Elections; Vacancies Caused by

RULE NOS.: 61B-23.002

Expiration of Term, Resignations, Death

61B-23.0021

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Language is deleted to clarify that payroll, personnel, purchase invoices, and invoices for services, related to association operation, are not "other records" as discussed in the rule. Corresponding language is added to Rule 61B-22.001, F.A.C., to show that such records are "accounting records." This distinction is needed due to some confusion as applied to practical scenarios in the industry.

Requires that the association mail or deliver the statutorily required second notice of election within a certain time period.

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

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

SPECIFIC AUTHORITY: 718.112(2)(d)3., 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(12), 718.301, 718.501, 718.111(6), 718.112(2)(f), 718.112(2)(e),(f), 718.618, 718.112(2),(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-23.002 Operation of the Association.

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

(b) Other records related to the operation of the association, which the association shall maintain as official records pursuant to Section 718.111(12)(a)15., Florida Statutes, or as that subparagraph may be subsequently renumbered, shall include, for example:

1. Correspondence and other written communication from the division;

~~2. All payroll and personnel records of the association;~~

~~3. All invoices for purchases made by the association;~~

~~4. All invoices for services provided to the association;~~

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

(c) through (8) No change.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law implemented 718.111(12), 718.112(2),(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS. History—New 7-22-80, Amended 8-31-83, 10-1-85, Formerly 7D-23.02, Amended 1-27-87, 7-10-88, 3-21-89, 2-18-92, Formerly 7D-23.002, Amended 11-23-93, 2-20-97, 4-14-99,_____.

61B-23.0021 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death.

(1) through (7) No change.

(8) In accordance with the requirements of Section 718.112(2)(d), Florida Statutes, the association shall mail or deliver to the eligible voters at the addresses listed in the official records a second notice of the election, together with a ballot and any information sheets timely submitted by the candidates. The association shall mail or deliver the second notice no less than 14 days and no more than 34 days prior to the election. The second notice and accompanying documents shall not contain any communication by the board ~~that which~~ endorses, disapproves, or otherwise comments on any candidate. Accompanying the ballot shall be an outer envelope addressed to the person or entity authorized to receive the ballots and a smaller inner envelope in which the ballot shall be placed. The exterior of the outer envelope shall indicate the name of the voter, and the unit or unit numbers being voted, and shall contain a signature space for the voter. Once the ballot is filled out, the voter shall place the completed ballot in the inner smaller envelope and seal the envelope. The inner envelope shall be placed within the outer larger envelope, and the outer envelope shall then be sealed. Each inner envelope shall contain only one ballot, but if a person is entitled to cast more than one ballot, the separate inner envelopes required may be enclosed within a single outer envelope. The voter shall sign the exterior of the outer envelope in the space provided for such signature. The envelope shall either be mailed or hand delivered to the association. Upon receipt by the association, no ballot may be rescinded or changed.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law Implemented 718.112, 718.301 FS. History—New 1-23-92, Amended 12-20-92, Formerly 7D-23.0021, Amended 8-24-94, 12-20-95, 1-19-97, 4-14-99, 2-19-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Notices of Intended Conversion

RULE NO.: 61B-24.002

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Language is added to require that every notice shall state the address or location of the property to be converted to condominium. Phone numbers for the division are updated.

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

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

SPECIFIC AUTHORITY: 718.608(5), 718.501(1)(f) 718.621 FS.

LAW IMPLEMENTED: 718.608, 718.608(5) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and

Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.002 Notices of Intended Conversion.

(1) through (3) No change.

(4) Each notice of intended conversion shall state the address or specific location of the property to be converted to condominium, above the text set forth by Section 718.608, Florida Statutes.

(5)(4) For the purpose of each notice of intended conversion the Tallahassee address and telephone number of the division is:

Division of Florida Land Sales, Condominiums, and Mobile Homes

Northwood Centre

1940 North Monroe Street

Tallahassee, Florida 32399-~~1032~~ 1033

~~(800)226-9101 (850)488-0740~~

(5) through (7) renumbered (6) through (8) No change.

Specific Authority 718.501(1)(f), 718.608(5), 718.621 FS. Law Implemented 718.608, 718.608(5), FS. History—New 7/2/81, Formerly 7D-24.02, Amended 4-1-92, Formerly 7D-24.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES: Examination for Barber Licensure
 Examination for Restricted Licensure

RULE NOS.: 61G3-16.0010
 61G3-16.007

PURPOSE AND EFFECT: The Board proposes to amend these rules to clarify what is expected from each examination, what the grading areas are and the weight given to those areas, and to clarify requirements for the practical portion of the examinations.

SUMMARY: These rules set forth the subject matter to be tested, grading areas and weight for each area and the requirements for the practical portion of the exam for licensure and restricted licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.217, 476.064(4), 476.114(2), 476.134 FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 455.217, 476.114(2), 476.134 FS., Chapter 98-323, Laws of Florida.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of two parts, a written examination and a practical examination. Applicants for a license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination and will be weighted approximately as designated:

Category	Weight
(a) Ethics and Hygiene	8%
(b) State Barber Laws and Rules	7%
(c) Skin and Scalp (composition, diseases, function, care)	7%
(d) Hair (structure, protein, characteristics, types, services, hairpieces)	16%
(e) Cosmetics Chemistry (emulsions, pH, types)	11%
(f) Scalp and Facial Treatments (including light therapy)	11%
(g) Haircoloring and Lightening	12%
(h) Permanent Waving, Hair Relaxing, and Soft Curl Permanents	20%
(i) Shaving, Mustache and Beard Trim	4%
(j) Implements, Tools and Equipment (including use characteristics)	4%

(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The examination shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform a permanent wave Candidates to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

Grading Area	Category	Relative Weight	Possible Points
(a) Haircut			45
(b) Permanent Wave		8	40
(c) Shampoo		5	40
(d) Safety and Sanitation		42	45
(e) Technique: Razor, Shears, Clippers			40

The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation.

(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment ~~shall~~ should be drawn from the following criteria:

- (a) Haircut:
 1. ~~The T~~top is even and without holes, ~~gaps or steps~~;
 2. ~~The T~~top (~~horseshoe~~) blends with the sides and back;
 3. ~~The F~~front outline is even ~~and clean shaven~~;
 4. ~~The H~~haircut is proportional ~~and sides are equal in length~~;
 5. ~~The S~~sides and the back are without holes, ~~gaps~~ or steps;
 6. ~~The S~~sides blend with the back;
 7. ~~The S~~sideburns ~~and outlines~~ are equal in length; ~~even~~;
 8. The outlines are even; ~~Sideburns, outline and neckline are clean shave~~;

9. ~~The s~~Sideburns, outline, and neckline are clean shaven;

10. ~~The model's skin was not cut or nicked during the haircut;~~

11. ~~9. The n~~Neckline is properly tapered.

(b) Permanent Wave:

1. ~~The b~~Blocking of the permanent wave is clean, uniform, and matches rod diameter and length;

2. ~~The bands are placed across the rods to provide Hair is wound uniformly across the rods with the proper amount of tension;~~

3. ~~The r~~Rods are placed parallel to the subsection parting and are on, not more than one-half off base, and are not over-directed;

4. ~~The h~~Hair is spread evenly on the rods with the spread in end papers (s) and does not extending beyond the hair ends. edge of paper.

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(d) Safety and Sanitation:

1. The candidate used the proper draping linen setup for the a shampoo;

2. The candidate used the proper protection on the shampoo bowl; properly stored clean and dirty linen during the shampoo;

3. The candidate properly stored clean and dirty linen during the shampoo;

4. ~~3. The candidate washed his or her hands before beginning work on the model; haircut;~~

5. ~~4. The candidate used the proper draping linen setup for the haircut;~~

6. The candidate properly stored clean and dirty linen during the haircut;

7. ~~5. The During the haircut, the candidate placed replaced tools in the sanitizer before and after each use during the haircut;~~

6. ~~The candidate properly stored clean and dirty linen during the haircut;~~

8. The candidate used all of the tools in a safe manner and without any blood contact during the haircut;

9. ~~7. The candidate washed his or her hands before beginning the permanent wave;~~

10. ~~8. The candidate used the proper draping linen/cotton wrap setup for the permanent wave;~~

11. The candidate used the proper cotton wrap protection for the permanent wave;

12. The candidate applied protective cream for the permanent wave;

13. ~~9. The candidate kept his or her tools sanitized during the permanent wave;~~

14. ~~10. The candidate properly stored clean and dirty linen during the permanent wave.~~

(e) Technique:

1. ~~The candidate held and used all tools in a safe manner during the haircut;~~

2. ~~The model's skin was not cut/pinched by clippers or other tools during the haircut;~~

3. ~~Candidate used freehand technique when doing the haircut.~~

(5) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.

(6) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy-five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b),(c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended _____.

61G3-16.007 Examination for Restricted Licensure.

(1) The examination for restricted licensure to practice barbering shall consist of two parts, a written exam and a practical exam. Applicants for a restricted license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a restricted license to practice barbering.

(2) The written portion of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida, and shall consist of questions on the following:

(a) The function of the Barbers' Board, how its members are appointed, and their duties;

(b) The laws and rules of the Board that determine where and when an individual may legally practice barbering;

(c) The laws and rules of the Board that protect the health, safety, and welfare of the consumer;

(d) The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;

(e) The dates, fees, and requirements for renewal of a license to practice barbering.

(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. ~~The examination for licensure; and~~ shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform

a facial shave to satisfy the practical portion of the examination. The areas to be tested and ~~the~~ relative weights are as follows:

<u>GRADING AREA CATEGORIES</u>	<u>RELATIVE WEIGHT POSSIBLE POINTS</u>
Haircut	45
Shave	8 40
Shampoo	5 40
<u>Safety and Sanitation</u>	42 25
<u>Technique (Unguarded Straight Razor, Shears, Clippers)</u>	40

The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation. The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:

(a) Haircut:

1. ~~The t~~Top is even and without holes; ~~gaps, or steps~~
2. ~~The t~~Top (~~horseshoe~~) blends with ~~the~~ sides and back;
3. ~~The f~~Front outline is even;
4. ~~The h~~Haircut is proportional; ~~and sides are equal in length~~
5. ~~The s~~Sides and ~~the~~ back are without holes; ~~gaps, or steps~~;
6. ~~The s~~Sides blend with the back;
7. ~~The~~ Sideburns are equal in length;
8. ~~The~~ Sideburns and outlines are even;
9. ~~The s~~Sideburns, outline, and neckline are clean shaven;
10. ~~The~~ model's skin was not cut or nicked during the haircut;

~~11.9.~~ ~~The n~~Neckline is properly tapered.

(b) Shave:

1. The candidate used proper ~~the~~ beard softening procedures;
2. After the shave, the model ~~had~~ has a clean-shaven appearance;
3. After the shave, there were no apparent cuts in the model's skin;
4. After the shave, there were no signs of razor burn on the model's skin;

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(d) Safety and Sanitation:

1. The candidate used the proper ~~draping linen setup~~ for ~~the~~ a shampoo;
2. ~~The~~ candidate used the proper protection on the ~~shampoo bowl~~;
3. ~~2.~~ The candidate properly stored clean and dirty linen during the shampoo;

~~4.3.~~ The candidate washed ~~his or her~~ hands before beginning ~~work on the model~~; ~~the haircut~~

~~5.4.~~ The candidate used the proper ~~draping linen setup~~ for ~~the~~ haircut;

6. The candidate properly stored clean and dirty linen during the haircut;

~~7.5.~~ ~~During the haircut,~~ ~~T~~the candidate ~~placed~~ replaced tools in ~~the~~ sanitizer ~~before and~~ after each use;

~~8.7.~~ The candidate ~~used all tools in a safe manner and without any blood contact during the haircut~~; ~~demonstrated the proper way to sanitize tools before beginning the shave service~~

~~9.8.~~ The candidate washed his or her hands before beginning the shave service;

~~10.9.~~ The candidate used the proper ~~draping linen setup~~ for the shave service;

~~11.~~ The candidate placed a protective covering on the ~~headrest~~;

~~12.~~ The candidate used the razor in a safe manner and ~~without any blood contact during the shave~~;

~~13.10.~~ The candidate kept tools sanitized during the shave service;

~~14.11.~~ The candidate properly stored clean and dirty linen during the shave service.

(e) Technique:

1. ~~The~~ candidate held and used all tools in a safe manner during the haircut.
2. ~~The~~ model's skin was not cut/pinched by clippers or other tools during the haircut.
3. ~~Candidate used freehand technique when doing the haircut.~~

(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination, e.g., shampoo, haircut, or shave, shall result in the examinee losing the possible points assigned to that area.

(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy-five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. Law Implemented 455.217, 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. History--New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 26, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 6, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Employee Leasing Companies

RULE TITLE: Requirements for Evidence of Workers'
Compensation Coverage

RULE NO.: 61G7-10.0014

PURPOSE AND EFFECT: The Board proposes this new rule to set forth the requirements for applicants for licensure and licensees seeking renewal to clearly set out what must be provided to show evidence of workers' compensation coverage.

SUMMARY: This rule sets the requirements for coverage and explains what will meet the requirements and what evidence is necessary to show proof that the workers' compensation is in place for each leased employee at the time of application for licensure or at the time of renewal of licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2002

PLACE: Telephone Conference – Meet Me Conference Number (850)921-2548, SunCom 291-2548

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) All applicants for licensure and licensees seeking renewal of their licenses are required to file with the Board evidence of workers' compensation coverage for all leased

employees in this state. In addition, all applicants for licensure and licensees seeking renewal of their licenses are required to submit evidence to the Board that all of the employee leasing company's obligations concerning payment of workers' compensation insurance premiums for leased employees have been fulfilled. This evidence is intended to confirm that the applicant for licensure will and the licensee has met its responsibility to provide workers' compensation coverage pursuant to Chapter 440, F.S.

(2) Applicants for licensure and licensees seeking renewal of their licenses will meet this reporting requirement if they submit evidence that their leased employees are covered by any one of the following methods or any combination thereof:

(a) Through a contractual relationship with an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees;

(b) Through a lawful plan of self-insurance which provides workers' compensation coverage; or

(c) Through the clients of the employee leasing company via an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees or through a lawful plan of self-insurance which provides workers' compensation to leased employees so long as such an arrangement is permitted by the Board approved employee leasing contract and the employee leasing company is named as a certificate holder by the client on its workers' compensation policy and; in addition, so long as the employee leasing company's notice to leased employees, required under s. 468.525(4)(f), F.S., includes notice to the leased employee that workers' compensation coverage has been provided by the client.

(3) Evidence which meets the requirements of (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by

1. Submitting a written statement to the Department, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation made under oath by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons

have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation, at a minimum.

a. To receive and review a workers' compensation certificate from all clients which are maintaining their own workers' compensation policy, which certification its face provides workers' compensation coverage to such clients' leased employees and.

b. To confirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

2. In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in subsections (2)(a)-(c) above as of the date of the statement.

3. The information and assertions contained in the statement shall be subject to audit and verification by the Department as per s. 468.535, F.S.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 7, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Control of Preneed Agents
RULE NO.: 61G8-28.001

PURPOSE AND EFFECT: To clarify the supervision of preneed agents.

SUMMARY: The Board proposes to add language that would clarify the supervision of preneed agents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.005, 470.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-28.001 Control Supervision of Preneed Agents.

~~A pre-need agent shall be required to work under the supervision of a funeral director to whom he is responsible, pursuant to Section 470.028, Florida Statutes.~~

(1) The funeral director in charge of a funeral establishment shall be responsible for the control and activities of the establishment's preneed agents.

(2) The direct disposer in charge or a funeral director acting as a direct disposer in charge of a direct disposal establishment shall be responsible for the control and activities of the establishment's preneed agents.

Specific Authority 470.005 FS. Law Implemented 470.005, 470.028 FS. History--New 10-13-82, Formerly 21J-28.01, 21J-28.001, Amended 11-23-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES: Definitions
RULE NOS.: 64C-1.001

Program Organization 64C-1.002

Requirements of CMS Network Applicants and Participants 64C-1.003

Methods of Service Delivery 64C-1.004

PURPOSE AND EFFECT: The 1998 substantial revisions to Chapter 391, F.S., include a significant use of language and information, currently contained in the Children's Medical Services (CMS) Program rule Chapter 64C-1. Therefore, CMS proposes to amend through substantial rewording rule section 64C-1.001 to eliminate the duplication of definitions; to repeal rule section 1.002 to eliminate redundancy of the Chapter 391, F.S.; to amend rule section 64C-1.003 to eliminate duplicative information; and to amend through substantial rewording rule section 64C-1.004.

SUMMARY: These rules provide updated information regarding definitions of terms, requirements of the CMS Network applicants and participants, and methods of service delivery. These rules also repeal the organization of the CMS Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or FAX (850)488-3813

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-1.001 follows. See Florida Administrative Code for present text.)

64C-1.001 Definitions.

As used in Chapters 64C-1 through 64C-4.002:

(1) "Applicant" means an individual who:

(a) Has reached the age of majority; or

(b) Is the parent or legal representative of a minor; or

(c) Has had the disability of nonage removed, either by marriage or court order, and requests an eligibility determination for CMS sponsorship.

(2) "Case manager" or "care coordinator" means the individual designated to provide care coordination, directly with, or on behalf of, a participant.

(3) "Clinical eligibility" includes medical, developmental, behavioral, mental or emotional conditions.

(4) "CMS Program" means Children's Medical Services Program, which is comprised of the CMS Network and Related Programs and CMS Prevention and Interventions.

(5) "Florida Resident" means anyone physically residing within the State of Florida, regardless of the length of that residency. A minor's residency is tied to the residency of the minor's parent, legal custodian, or legal guardian unless the applicant is age 18 through 20 years of age. "Florida resident" does not include a child and parent, legal custodian, or legal guardian, who is in the state temporarily or transiently,

including those with student visas; is in the state not for the purpose of establishing a permanent domicile or residence; or is an out-of-state child, who is temporarily in the state for a treatment program. People residing on Federal Indian Reservations within Florida's boundaries are considered Florida residents.

(6) "Health Care Provider" is as defined in s. 391.021(5), F.S.

(7) "Participant" is as defined in s. 391.021(7), F.S.

(8) "Physician provider" is a health care provider licensed under Chapter 458 or Chapter 459, F.S.

(9) "Non-physician providers" are all other licensed or certified health care providers not licensed under Chapter 458 or Chapter 459, F.S.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.05, Amended 8-4-93, 3-28-96, Formerly 10J-1.005, Amended _____.

64C-1.002 Program Organization.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.06, Amended 8-4-93, 2-15-95, 3-28-96, Formerly 10J-1.006, Repealed _____.

(Substantial rewording of Rule 64C-1.003 follows. See Florida Administrative Code for present text.)

64C-1.003 Requirements of CMS Applicants and Participants Responsibilities of Applicants and Patients.

(1) Upon request, applicants for and participants in CMS will furnish to CMS accurate medical and financial information. Applicants and participants will also keep CMS informed of any changes in financial circumstances, which includes notifying CMS of all assets, resources and funds, including health care insurance and plans, as per s. 402.24 F.S., and funding acquired through contracts, settlements, awards and trust funds, which are available to the family for medical services.

(2) Participants are required to utilize CMS approved providers and facilities if CMS is to pay for services and provide CMS case management.

(3) Participants must be Florida residents.

Specific Authority 391.026(18)(42), 402.24(2)(h) FS. Law Implemented 391.026, 391.047, 402.24 FS. History—New 1-1-77, Formerly 10J-1.07, Amended 8-4-93, 3-28-96, Formerly 10J-1.007, Amended _____.

(Substantial rewording of Rule 64C-1.004 follows. See Florida Administrative Code for present text.)

64C-1.004 Methods of Service Delivery.

(1) In all CMS Area Offices and health care facilities, CMS staff shall maintain the confidentiality of participant and family information in accordance with state and federal law, during interview, examination, and treatment processes.

(2) All CMS Network participants will have a care plan developed within 30 days of enrollment and updated at least annually or as needed in order to ensure coordination of individualized services for the participant.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-6.02, Amended 7-12-93, Formerly 10J-6.002, 64C-5.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Vicki Posner-Williams, Bureau
Chief, CMS Network Operations

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 10, 2001

P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES:	RULE NOS.:
Application for Services	64C-2.001
Eligibility for CMS Network Services	64C-2.002
Redetermination of CMS Network Eligibility	64C-2.003

PURPOSE AND EFFECT: The Children's Medical Services (CMS) Program proposes the repeal of rule section 64C-2.001, since the significant 1998 revision of Chapter 391 F.S. together with Chapter 904.811 F.S. has rendered most of the information in this rule section obsolete. The remaining provisions have been included in rule section 64C-1.003. Also, the CMS Program proposes to amend through substantial rewording rule sections 64C-2.002 and 64C-2.003 to eliminate duplicative information of the 1998 version of Chapter 391 F.S.

SUMMARY: These rules provide updated information regarding requirements for determining eligibility initially and eligibility redetermination for CMS Network services. These rules also repeal the application for services section.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026, 409.166 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or FAX (850)488-3813

THE FULLTEXT OF THE PROPOSED RULES IS:

64C-2.001 Application for Services.

Specific Authority 391.026 FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-2.06, Amended 3-28-96, Formerly 10J-2.006, Repealed.

(Substantial rewording of Rule 64C-2.002 follows. See Florida Administrative Code for present text.)

64C-2.002 Eligibility for CMS Network Treatment Services.

(1) Families who are income eligible or potentially income eligible for Title XIX (Medicaid) or Title XXI of the Social Security Act (KidCare) must apply for Title XIX or Title XXI benefits.

(2) Children clinically eligible for the regional perinatal intensive care centers program or the early intervention program are also clinically eligible for the CMS Network, but are still subject to applicable financial eligibility requirements for the CMS Network.

Specific Authority 391.026(18) FS. Law Implemented ~~391.07~~ 391.026(2), 391.029, ~~409.166~~ FS. History—New 1-1-77, Formerly 10J-2.08, Amended 3-28-96, Formerly 10J-2.008, Amended.

(Substantial rewording of Rule 64C-2.003 follows. See Florida Administrative Code for present text.)

64C-2.003 Redetermination of CMS Network Clinical Eligibility ~~Determination of Continuing Eligibility.~~

All CMS Network participants shall have their clinical eligibility for the CMS Network redetermined on an annual basis.

Specific Authority 391.026(18)(~~12~~) FS. Law Implemented 391.026(2),(~~11~~), ~~391.046~~, 391.029 FS. History—New 1-1-77, Amended 11-18-82, Formerly 10J-2.09, Amended 3-28-96, Formerly 10J-2.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant, CMS Network
Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Vicki Posner-Williams, Bureau
Chief, CMS Network Operations

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 10, 2001

P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES:	RULE NOS.:
Reimbursement for CMS Network Services	64C-3.001
Recovery of Third Party Payments	64C-3.002

PURPOSE AND EFFECT: The Children's Medical Services (CMS) Program proposes to amend through substantial rewording rule section 64C-3.001 to eliminate the duplication

of the 1998 version of Chapter 391, F.S., which include a significant use of language and information found in this CMS rule section. Also, the CMS Program proposes to amend through substantial rewording rule section 64C-3.002 for clarification.

SUMMARY: These rules provided updated information regarding the reimbursement for CMS Network services and will clarify recovery of third party payments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-3.001 follows. See Florida Administrative Code for present text.)

64C-3.001 Reimbursement for CMS Network Services Methods of Resource Development and Allocation.

(1) CMS Network Health Care (Physician and Non-Physician) providers must accept the CMS Network payment as payment in full.

(2) Participants shall not be additionally billed a co-payment, a deductible, or other fee for covered services when the CMS Network is the primary payer.

Specific Authority 391.026(18)(~~12~~) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-3.06, Amended 6-22-94, 3-28-96, 12-15-96, Formerly 10J-3.006, Amended _____.

(Substantial rewording of Rule 64C-3.002 follows. See Florida Administrative Code for present text.)

64C-3.002 Recovery of Third Party Payments.

(1) Except as otherwise provided in section (2) below, the Department shall recover in full on its rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule, for payment for funded services and medical services.

(2) Where undue financial hardship would result to the individual who received funded services or medical services as a result of the Department recovering in full on its rights under section (1) above, a request may be made to the Department to accept less than full recovery in satisfaction of its rights thereunder. Undue financial hardship does not exist where the dollar amount of such services for the relevant individual is less than 5 percent of the dollar amount of relevant judgments, settlements, or awards, net of attorney's fees, costs, and the actual amount paid or to be paid to satisfy other valid liens for medical or rehabilitation services. Such request must be based upon the following factors:

(a) The amount of relevant judgments, settlements, or awards;

(b) The lien amount of funded services and medical services;

(c) The nature of funded services and medical services;

(d) Employment status of the individual;

(e) Cost to the individual of living independently, if applicable;

(f) The amount paid or to be paid to satisfy other valid liens for medical or rehabilitation services provided to such individual;

(g) The amount by which such other lienors have reduced their liens;

(h) The amount of attorney's fees and costs to generate the relevant judgments, settlements, or awards;

(i) The amount by which the attorney's reduced their fees or absorbed their costs; and

(j) Other sources of income available to the individual.

(3) The phrase "becomes liable for" in Sections 381.785 and 402.24, means the non-speculative amount of future expenditures for funded services or medical services. "Non-speculative" includes all future expenditures for funded services or medical services that can be reasonably expected to be made on behalf of the individual based upon that individual's current and expected needs by the Department. "Non-speculative" excludes future expenditures for unexpected, emergency, or extraordinary funded services or medical services; for such future expenditures the Department retains all its rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule.

(4) The Department's rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule are continuing in nature and survive beyond the date of any judgment, settlement, or award, or court approval thereof. Judgments, settlements, or award amounts funded in whole or in part from claims bills or other acts of local, state, federal or foreign authorities, and amounts that constitute or become part of any fund or trust, including trusts established under 42 U.S.C. Section 1396p(d)(4), for the benefit of recipients of

funded services or medical services, remain subject to the Department's rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule.

Specific Authority 402.24(2)(h) FS. Law Implemented 402.24, 391.026(9) FS. History—New 3-11-87, Amended 6-22-94, 3-28-96, Formerly 10J-3.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001
P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES: CMS Physician and Non-Physician Providers Diagnostic and Treatment Facilities or Services – General
RULE NOS.: 64C-4.001 64C-4.002

PURPOSE AND EFFECT: The Children's Medical Services (CMS) Program proposes to amend through substantial rewording Rule 64C-4.001, F.A.C., and to amend Rule 64C-4.002, F.A.C., in order to update and reflect the CMS standards for Physician and Non-Physician and for Diagnostic and Treatment Facilities or Services – General providing care to CMS Network participants, respectively.

SUMMARY: These rules provide updated information regarding the requirements for CMS Physician and Non-Physician providers and for diagnostic and treatment facilities or services, general.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE FULL TEXT THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-4.001 follows. See Florida Administrative Code for present text.)

64C-4.001 CMS Physician and Non-Physician Providers Health Professional Consultants.

(1) CMS Physician Providers: Participation Criteria.

The CMS physician provider approval process is not a licensure process. It is a quality assurance process to ensure that prospective and participating CMS physician providers, who are interested in providing health care services to children with special health care needs, meet minimum standards deemed necessary by the Deputy Secretary for CMS for the provision of quality medical services to CMS participants. The CMS physician provider approval process is based on National Committee for Quality Assessment (NCQA) Standards in addition to recommendations from CMS Medical Directors. Physicians interested in participating in the CMS network of providers must comply with the CMS approval and re-approval process and criteria. The approval and reapproval process requires physicians to provide current information with regard to the following:

- (a) State of Florida medical licensure status;
- (b) Board certification status in area of practice;
- (c) Drug Enforcement Agency (DEA) or Controlled Dangerous Substance (CDS) certificate of registration;
- (d) Hospital admitting privileges at a CMS approved hospital(s) or a Letter of Transfer Agreement with a CMS approved physician who has admitting privileges at a CMS approved facility;
- (e) Medical education and training;
- (f) Work history;
- (g) Active and closed professional liability claim(s); and
- (h) Existence of Medicaid and Medicare sanctions.

Exceptions: Under special circumstances and when in the best interest of the CMS participants, the Deputy Secretary for Children's Medical Services may grant, upon recommendation from the area CMS Medical Director, CMS approved provider status to any licensed physician.

(2) CMS Non-Physician Providers.

(a) CMS may secure the services of non-physician providers in any field of knowledge deemed necessary to aid in its provision of services.

(b) CMS Non-Physician providers must meet applicable licensing and certification requirements of governmental agencies and professional associations in their specialty areas.

(c) Individuals performing genetic evaluations and counseling must be under the direction of a CMS approved physician certified by the American Board of Medical Genetics or the American Osteopathic Association in the area of genetics.

(d) Exception to the non-physician provider criteria may be made by the area CMS Medical Director.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 391.036 FS. History--New 1-1-77, Amended 2-11-85, Formerly 10J-5.07, Amended 3-28-96, Formerly 10J-5.007, Amended.

64C-4.002 Diagnostic and Treatment Facilities or Services – General.

(1) Each All chronic care hospital and skilled nursing care facility facilities approved by the Department for the provision of health CMS patient care services to CMS participants must have or meet shall conform to the following standards:

(a) An active, valid State of Florida license licensure;

(b) Accreditation from Approval of the Joint Commission on Accreditation of Health Organizations (JCAHO) Hospitals;

(c) Patients receiving CMS services will be admitted to institutions with a physically definable hospital unit or ward to which only children are admitted. The entire pediatric unit or ward must maintain will have an annual average daily census of fifteen children or more, excluding normal newborns and those in neonatal intensive care units. In making the selection and designation of approved facilities patient care centers, CMS will give priority to those facilities that which demonstrate an emphasis on quality children’s medical services, including the presence of an adolescent unit or ward, a neonatal (level two or level three) intermediate and intensive care unit, and a pediatric intensive care unit. In a particular district delivery area for CMS services in which only a single hospital is utilized to admit all children sponsored by the Department for CMS, but in which the population base of the area does not allow achievement of the average daily census indicated above, the District Medical Director, in consultation with the Program Office, can make arrangements that are in the best interest of the child.

(d) All patient care facilities, programs and specialized patient care enters will at a minimum, meets Applicable national specialty standards, whenever available, commensurate with any specialty health care services provided by the facility that will be available to CMS participants including those promulgated by the American Medical

Association, the American Hospital Association, the American College of Surgeons, Board of Thoracic Surgery, the American Academy of Pediatrics, Committee on Optimal Resources for Examination of the Chest and Cardiovascular System, of the Inter-Society Commission of Heart Disease Resources, the American Heart Association, the Joint Committee on Perinatal Health and the American Osteopathic Association.

(2) Each primary care hospital, approved by the CMS area office for the provision of health care to CMS participants, must have or meet the following:

(a) An active, valid State of Florida license;

(b) Accreditation from the Joint Commission on Accreditation of Health Organizations (JCAHO);

(c) A separate pediatric unit which has at least five rooms available;

(d) A designated chief of pediatrics;

(e) Board certified pediatricians following the patients and available 24 hours a day;

(f) A qualified and experienced pediatric nursing staff with at least one RN on duty in the unit 24 hours a day;

(g) A pediatric code cart on the unit along with appropriate pediatric resuscitation equipment; and

(h) The capability for rapid transfer to pediatric intensive care units.

(3) When a hospital within a CMS Service area is the only facility available within that area to admit CMS participants, an exception to the designation criteria may be made by the Deputy Secretary for Children’s Medical Services at the request of the area CMS Medical Director, when an exception would be in the best interest of CMS participants.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 FS. History--New 1-1-77, Amended 2-11-85, Formerly 10J-5.08, Amended 3-28-96, Formerly 10J-5.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations

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