

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLES:	RULE NOS.:
Scope; Definitions; Index Price	12B-6.001
Imposition of the Gross Receipts Tax	12B-6.0015
Registration	12B-6.0021
Payment of Tax; Reports; Public Use Forms	12B-6.005
Public Service Tax Reporting Form	12B-6.0051

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule Chapter 12B-6, F.A.C., Gross Receipts Tax, is to implement the provisions of Sections 203.01 and 203.012, F.S., as amended by Sections 1 and 2, Chapter 2005-148, L.O.F., which, effective January 1, 2006, imposes a tax on utility services delivered to a retail consumer in Florida. When adopted, these proposed changes to Rule Chapter 12B-6, F.A.C., will provide guidelines regarding the Department’s administration of the gross receipts tax imposed by Chapter 203, F.S., as amended by Chapter 2005-148, L.O.F.

The purpose of the substantial rewording of Rule 12B-6.001, F.A.C., is to: (1) change the title to “Scope; Definitions; Index Price”; (2) provide that the rule chapter applies to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (3) define the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of the rule chapter; (4) provide that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (5) provide how the Department will announce the annual index prices for electricity and for natural and manufactured gas; and (6) provide that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself.

The purpose of the proposed creation of new Rule 12B-6.0015, F.A.C. (Imposition of the Gross Receipts Tax), is to: (1) provide that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) provide how the tax is computed based on the index price; (3) provide that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax; (4) provide that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and guidelines on how to document such sales; (5) provide that the 2.5 percent gross receipts tax is imposed on

distribution companies’ gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and how the tax is to be calculated; (6) provide that the tax does not apply to receipts from customers for purposes of resale; (7) provide that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (8) provide that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) provide that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) provide guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) provide that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) provide that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) provide that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and guidelines on how to document such sale or delivery; (14) provide that wholesales sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity is not subject to tax; (15) provide guidelines regarding any separately itemized charge for gross receipts tax on a customer’s bill, invoice, statement, or other evidence of sale; (16) provide guidelines on the imposition of tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) provide guidelines on how to document sales of utility services for purposes of resale; and (18) provide recordkeeping requirements for taxpayers who sell or deliver utility services.

The purpose of the proposed amendments to Rule 12B-6.0021, F.A.C. (Registration), is to provide that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department.

The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to: (1) replace the term “utility provider” with the term “taxpayer”; (2) provide guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; (3) remove obsolete provisions regarding the filing of an application for refund; (4) provide that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or to post such list on a

publicly-accessible Internet web site; and (5) update information on how to obtain Form DR-133, Gross Receipts Tax Return, from the Department.

The purpose of the proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Forms), is to update information on how to obtain Form DR-700001, Municipal Public Service Tax Data Base, from the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is the proposed guidelines regarding the gross receipts tax imposed on utility services by Chapter 203, F.S., as amended, by Chapter 2005-148, L.O.F., and effective January 1, 2006.

**SPECIFIC AUTHORITY:** 166.233, 203.01(3)(a)2., 213.06(1) FS.

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

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

**TIME AND DATE:** 10:00 a.m., November 16, 2005

**PLACE:** Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Robert Babin, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

(Substantial Rewording of Rule 12B-6.001 follows. See Florida Administrative Code for present text.)

12B-6.001 Scope; Definitions; Index Price ~~Imposition of the Gross Receipts Tax.~~

(1) SCOPE. This rule chapter applies to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida.

(2) DEFINITIONS. For purposes of this rule chapter:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric, or natural or manufactured gas, utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) "Department" means the Florida Department of Revenue.

(d) "Electricity index price" means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) "Gas index price" means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) "Gross receipts" means the total payments received in money, goods, services, or other consideration.

(g) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) "Utility services" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department's Internet web site located on the Internet at [www.myflorida.com/dor/taxes](http://www.myflorida.com/dor/taxes). The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective. The initial index prices effective January 1, 2006, through June 30, 2006, have been announced by the Department with Tax Information Publication [insert number] and shall apply to any bill dated on or after January 1, 2006, until the new index prices become effective on July 1, 2006.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the calculation of tax imposed by Chapter 203, F.S., is calculated by using the distribution company's gross receipts, rather than through use of an index price.

Specific Authority 203.01(3)(b); 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, 5-4-03.

12B-6.0015 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies' gross receipts from the privilege of selling and transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale and transportation of natural or manufactured gas is calculated as follows: (number of cubic feet of gas sold or transported) ÷ 1,000 × (the applicable gas index price) × (2.5 percent).

(b) The tax imposed in paragraph (1)(a) does not apply to:

1. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity;

2. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale;

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. A seller or distributor of natural or manufactured gas is not liable for remitting tax on the untaxable portion of natural or manufactured gas sold or transported if the seller or transporter possesses a written statement from the purchaser that certifies the purchaser's entitlement to the exclusion permitted by this subparagraph, but only if the certification includes an acknowledgment that the purchaser will be liable for applicable taxes if the requirements for exclusion are not satisfied. The following is a suggested format of an exemption certificate to be issued by a manufacturer to a natural or manufactured gas distribution company:

EXEMPTION CERTIFICATE

NATURAL OR MANUFACTURED GAS PURCHASED BY A PERSON ELIGIBLE FOR EXEMPTION PURSUANT TO SECTION 212.08(7)(ff)2., F.S.

This is to certify that I have purchased steam or electricity that was exempt from tax pursuant to Section 212.08(7)(ff)2., Florida Statutes, and furthermore, that I have purchased natural

or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

Furthermore, the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the federal Office of Management and Budget.

Furthermore, the electricity or steam purchased for the accounts indicated below, meet the following requirements:

1. 75% or more of the electricity or steam is used to operate machinery and equipment at a fixed location, as described above, and qualifies for a 100% exemption; or

2. More than 50% but less than 75% of the electricity or steam is used to operate machinery and equipment at a fixed location, as described above, and qualifies for a 50% exemption.

Exempt Location Address Account Number Exemption Percentage

Furthermore, I acknowledge that I will be liable for applicable taxes if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exemption as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

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

Purchaser's Name (Print or Type)

Date

Signature of Authorized Person

Title

Federal Employer Identification Number (FEI No.)

Florida Sales Tax Number

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax imposed in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment;

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax imposed in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax imposed pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax levied pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services; or

2. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale are only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after (date) from (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

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

Purchaser's Name \_\_\_\_\_

Purchaser's Address \_\_\_\_\_

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

Certificate of Registration Number \_\_\_\_\_

Effective Date of Registration \_\_\_\_\_

By \_\_\_\_\_ (authorized signature)

Date \_\_\_\_\_

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and

records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

Specific Authority 203.01(3)(a)2., 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History—New \_\_\_\_\_.

12B-6.0021 Registration.

(1) Prior to engaging in the business of ~~providing or selling, transporting, delivering, or importing~~ utility services, as ~~provided in Rule 12B-6.001, F.A.C.~~, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's ~~Internet web site at the address shown inside the parentheses (www.myflorida.com/dor/)~~ using the Department's "e-Services" system located on the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or

(b) Filing an Application to Collect and/or Report Tax in Florida (Form ~~form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form.

Specific Authority 203.04, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended 5-4-03, \_\_\_\_\_.

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

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department on or before the last day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a ~~taxpayer utility provider~~ to avoid penalty and interest for late filing. When the last day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the last day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j)(~~f~~), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(c) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;
2. Any return for reporting tax is required to be submitted by electronic means; or
3. No tax is due with a return for reporting tax.

(d)1. For taxes levied pursuant to paragraph (2)(a) of Rule 12B-6.0015, F.A.C., the ~~A~~ taxpayer may elect to pay the gross receipts tax on total billings for electricity utility services for each month or on the actual gross receipts for electricity utility services received in that month.

2. When the taxpayer utility provider elects to pay gross receipts tax on total billings for electricity utility services, the taxpayer provider may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the taxpayer provider may seek a refund of tax previously paid by filing an Application for Refund (Form ~~form~~ DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

~~4.a. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid. Credits for tax paid on or after October 1, 1994, and prior to July 1, 1999, must be reported on the provider's return within 5 years after the date the tax was paid.~~

~~4.b. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid. Credits for tax paid on or after July 1, 1999, must be reported on the provider's return within 3 years after the date the tax was paid.~~

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide the written list of customers or the Internet address of the

publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies.

~~(3)(2)~~(a) The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at the address inside the parentheses (www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
<del>(4)(3)</del> DR-133	Gross Receipts Tax Return (R. <u>01/06 06/04</u> )	<u>09/04</u>

Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.012, 213.255(1), (2), (3), 213.37, 215.26 FS. History—New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, 9-28-04,\_\_\_\_\_.

12B-6.0051 Public Service Tax Reporting Form.

(1)(a) The public-use form provided in this rule is to be utilized by each municipality or charter county to report to the Department services taxed under Sections 166.231 and 166.232, F.S., and to report any other required information. The public-use form is employed by the Department for this purpose, and it is hereby incorporated in this rule by reference.

(b) Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2)

~~faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Departments Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-700001	Municipal Public Service Tax Database Report (R. 10/01)	05/03

Specific Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History—New 4-5-98, Amended 5-4-03, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Food Services – Standards of Operation

RULE NO.: 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to alter the time period for which therapeutic diets can be prescribed.

SUBJECT AREA TO BE ADDRESSED: Therapeutic diets.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate

(physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of ~~90~~ 180 days. Diets extending for periods longer than 90 ~~180~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: ADA Provisions for Inmates

RULE NO.: 33-210.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: delete unnecessary language and references to an obsolete form; clarify a definition; and clarify staff responsibilities.

SUBJECT AREA TO BE ADDRESSED: Disability Accommodations for Inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 958.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.201 ADA Provisions for Inmates.

(1) No change.

(2) Definitions.

(a) through (f) No change.

(g) Major life activities – activities that an average person can perform with little or no difficulty, such as walking, speaking, performing manual tasks, hearing, learning, ~~and~~ seeing, standing, sitting or lifting.

(h) through (n) No change.

(e) Youthful offender—refers to the category of individual set forth in Rule 33-506.101, F.A.C.

(3) Accommodation Request Procedure.

(a) through (f) No change.

~~(g) The intake officer will complete an “Inmate Request for Accommodation Log,” Form DC2-529 for each Form DC2-530 received. Form DC2-529 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 20, 2001. Form DC2-259 shall include:~~

1. The name of the requesting inmate;
2. The inmate’s Florida Department of Corrections identification number;
3. The date the request was received;
4. The disposition of the request, (approved, modified, or denied);
5. The name of the individual making the decision;
6. Whether an appeal was filed;
7. The resolution of the appeal, if any; and,
8. The date of the final decision.

~~(h) The intake officer will forward each Form DC2-529 to the ADA coordinator by the fifth day of each month.~~

~~(h)(+) Copies of the requests, logs, and all other documentation shall be placed in the inmate’s medical file record and in the department’s confidential ADA file located in the central office.~~

(4) Justification for Denial of Requests for Accommodation. A request for accommodation shall be denied for any of the following reasons:

- (a) No change.
- (b) The department need not take an action to provide accessibility to a service, program or activity if the action would impose or require:
  1. An undue financial burden on the agency where, in a cost benefit analysis, its costs would be an unjustifiable use of public funds. ~~The ADA coordinator shall consult with the Office of the General Counsel to make a determination if an accommodation would result in an undue financial burden.~~
  2. An administrative burden on the agency; or,
  3. A fundamental alteration of the nature of the service, program, or activity. ~~The ADA coordinator shall consult with the central office director for the program area in which the accommodation is requested Office of the General Counsel to make a determination if an accommodation would constitute a fundamental alteration.~~

~~(c) Direct Threat. The ADA coordinator, in consultation with the Office of the General Counsel and the central office director for the program area in which the accommodation is requested, shall make a final determination on whether a requested accommodation poses a direct threat.~~

~~(c) Direct Threat. The ADA coordinator, in consultation with the Office of the General Counsel and the central office director for the program area in which the accommodation is requested, shall make a final determination on whether a requested accommodation poses a direct threat.~~

~~(c) Direct Threat. The ADA coordinator, in consultation with the Office of the General Counsel and the central office director for the program area in which the accommodation is requested, shall make a final determination on whether a requested accommodation poses a direct threat.~~

(d) No change.

(5) No change.

(6) Effective Communication. Reasonable accommodation shall be afforded to inmates with disabilities to ensure equally effective communication with staff, other inmates, and the public.

(a) No change.

(b) Auxiliary aids include bilingual aids or qualified interpreters, readers, sound amplification devices, captioned television or text displays, telecommunication devices for the deaf (TDD), audiotaped texts, Braille materials, large-print signs and materials, or the assignment of an inmate assistant aid for work, training, and school.

(c) No change.

(7) Health Care Appliances.

(a) through (b) No change.

(c) Maintenance of Health Care Appliances.

~~1. When an appliance, other than a wheelchair, is in need of repair or replacement, the inmate shall notify health care staff of his or her needs by a medical call-out or a request to see a doctor.~~

~~1.a. Health care staff shall schedule the inmate for an appointment and evaluate the condition of the appliance.~~

~~2.b. Once the need for repair or replacement is verified, the inmate shall be issued an appropriate appliance or accommodation.~~

~~2. A non-indigent inmate shall be financially responsible for damage, repair and replacement of appliances, or parts and batteries and shall be charged for the cost thereof in accordance with subsection 33-601.308(4), F.A.C.~~

(8) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 958.04 FS. History—New 8-20-01, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Law Libraries  
 RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: revise population threshold requirements for law library collections; correct references to court forms; revise forms for clarity; and revise the procedure for addressing inmates’ failure to return borrowed law library materials.

SUBJECT AREA TO BE ADDRESSED: Law libraries.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) through (k) No change.

(l) Major collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph ~~(5)~~(4)(b).

(m) Minor collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph ~~(5)~~(4)(b).

(n) through (s) No change.

~~(t) Starter collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.~~

~~(u) Working day: refers to any weekday, i.e., Monday to Friday, except when the day is an official state holiday.~~

(3) No change.

(4) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) through (e) No change.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. Research items shall be loaned for a maximum of 21 days. Inmates who fail to return If research items ~~are not returned to the law library~~ within 21

days, ~~then the inmate's privilege to borrow research items from the law library shall be subject to disciplinary action as provided in Rules 33-601.301-.314, F.A.C. suspended until the material is returned.~~ Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(5) Major, and minor ~~and starter~~ collection law libraries.

(a) Major or minor collection law libraries shall be established at all institutions and satellite correctional facilities housing more than 500 ~~400~~ inmates. ~~Starter collection law libraries shall be established at institutions and satellite correctional facilities housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.~~ In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:

1. through 5. No change.

(b) No change.

(c) Major, and minor ~~and starter~~ collections shall be maintained in a current condition by annual subscription service. The library services administrator shall be responsible for ensuring that all legal collections are current and complete.

(d) through (e) No change.

(f) Requests for the addition or deletion of titles in major, and minor, ~~and starter~~ law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief of the bureau of programs. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation is approved, the materials shall be ordered and placed in the appropriate law library collections.

(g) No change.

(6) Interlibrary loan services for law libraries.

(a) Major collection law libraries shall provide research assistance to minor ~~and starter~~ collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance. Form DC5-152 is incorporated by reference in subsection (11) of this rule. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) No change.

~~(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5-152, Law Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.~~

~~1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The law library supervisor shall provide a copy of Form DC5-152, Law Library Interlibrary Loan Request, and the requested material to the inmate.~~

~~2. If the law library does not have the information that the inmate has requested, then within 2 working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.~~

- ~~(d) through (g) renumbered (c) through (f) No change.~~
- ~~(7) through (8) No change.~~
- ~~(9) Grievance and Court Forms.~~
- ~~(a) No change.~~

~~(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to file ~~Rule 3.800 and~~ Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Inmates shall secure fFederal habeas corpus, affidavits of insolvency, and civil rights complaint forms from shall only be supplied if copies of the forms are provided to the law library by the federal courts. ~~In all instances, law libraries are obligated to provide only 1 copy of the form.~~ If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.~~

- ~~(10) No change.~~
- ~~(11) Forms. The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.~~

- ~~(a) Form DC5-152, Law Library Interlibrary Loan Request, effective \_\_\_\_\_ 12-23-03.~~
- ~~(b) No change.~~

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Small Business Enterprise Contracting Rule  
 RULE CHAPTER NO.: 40E-7

PURPOSE AND EFFECT: This rule development serves as an opportunity for the public to participate in the creation of the District's new Small Business Enterprise Contracting Rule. The District received legislative authority to create and develop a Small Business Program. The program will be designed to assist small businesses to participate in contracting activities with the District.

SUBJECT AREA TO BE ADDRESSED: The creation of Chapter 40E-7, Part VI, concerning small businesses participating in the District's procurement and contracting activities.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.1135 FS.

LAW IMPLEMENTED: 373.1135 FS.

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

TIME AND DATE: 10:00 a.m., November 4, 2005

PLACE: South Florida Water Management District, Miami Service Center, 2121 S.W. 3rd Avenue, Miami, FL 33129, (305)377-7274

TIME AND DATE: 11:00 a.m., November 10, 2005

PLACE: South Florida Water Management District, Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 11:00 a.m., December 2, 2005

PLACE: South Florida Water Management District, B-1 Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2847

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561)682-6043 (internet:fhayden@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements.

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

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLE: Guidelines for the Request for Proposal Process  
 RULE NO.: 58C-1.0035

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement Section 430.203(9)(a), Florida Statutes, regarding the development guidelines for the request for proposal process for a Community Care for the Elderly (CCE) lead agency designated by an area agency once every three years.

SUBJECT AREA TO BE ADDRESSED: Requirements for ensuring quality and cost-efficiency of services, minimum personnel standards, and employee benefits.

SPECIFIC AUTHORITY: 430.08, 430.203(9)(a) FS.

LAW IMPLEMENTED: 430.203(9)(a) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 11, 2006

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE TITLES: Definitions  
 Central, Non-Profit Agency  
 Workshops  
 Procurement Requirements and Procedures  
 RULE NOS.: 60E-1.001  
 60E-1.003  
 60E-1.004  
 60E-1.005

PURPOSE AND EFFECT: To update the rules identified to reflect current practices and procedures regarding purchases made by state offices from the central, non-profit agency.

SUBJECT AREA TO BE ADDRESSED: Incorporating the current practices and procedures regarding purchases made by state offices from the central, non-profit agency in the rules identified.

SPECIFIC AUTHORITY: 287.042(1)(g), 287.042(3), 287.042(12), 413.035(1), 413.035(2), 413.036(1) FS.

LAW IMPLEMENTED: 287.042, 413.035, 413.036 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2005

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneer**

RULE TITLE: Reactivation Fee  
 RULE NO.: 61G2-3.006

PURPOSE AND EFFECT: To address license reactivation fees.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 468.384(2), 468.386(1), 455.271(6) FS.

LAW IMPLEMENTED: 468.386(1), 455.271(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Records Disposition Responsibility  
 RULE NO.: 61H1-23.002

PURPOSE AND EFFECT: The Board proposes review of the rule to see if any changes are deemed necessary.

SUBJECT AREA TO BE ADDRESSED: Records Disposition Responsibility.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.318 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Form of Practice and Name-Shared Office Space  
RULE NO.: 61H1-26.001

PURPOSE AND EFFECT: The Board proposes the review of the rule to see if any changes are deemed necessary.

SUBJECT AREA TO BE ADDRESSED: Practice and Name-Shared Office Space.

SPECIFIC AUTHORITY: 473.304, 473.3101, 473.321 FS.

LAW IMPLEMENTED: 473.3101, 473.321 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: College or University Requirements  
RULE NO.: 61H1-27.001

PURPOSE AND EFFECT: The Board proposes the amendment to paragraph 61H1-27.001(1)(g), F.A.C., to change "Florida State Board of Independent Colleges and Universities (FSBICU)" to "Commission for Independent Education (CIE)" and to (h) to add Ireland.

SUBJECT AREA TO BE ADDRESSED: College or University Requirements.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-27.001 College or University Requirements

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

(g) Association of Independent Colleges and Schools.

After August 2, 1992 the Association of Independent Colleges and Schools (AICS) will no longer be deemed an acceptable accrediting agency, unless the college or school accredited by the AICS is regulated by the Commission for Independent Education Florida State Board of Independent Colleges and Universities (FSBICU) and exempted from licensure by the CIE FSBICU under the provisions of Section 1005.22, F.S.

(h) Canadian, Mexican, Ireland and Australian academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.

(2) through (5)(b) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Fees  
RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to strike language that no longer applies and to renumber existing paragraphs.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-31.001 Fees.

(1) through (7) No change.

~~(8) The fee for the examination is refundable in the amount of fifty dollars (\$50.00) per part if the applicant is found to be ineligible to sit for the examination.~~

~~(8)(9)~~ For Fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

~~(9)(10)~~ The scan sheet for the Laws and Rules Examination must be postmarked or completed on-line after July 15 but by or on December 31, a \$50 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.

~~(10)(11)~~ The CPE reporting form must be postmarked by or on July 15. If it is postmarked or completed on-line after July 15 but by or on December 31, a \$50 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.

~~(11)(12)~~ Duplicate licensee fee – If a licensee requests a duplicate license, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 475.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History–New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Continuing Professional Education

RULE NO.: 61H1-33.003

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to define classroom hours.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2177(f), 455.2178, 455.2179, 473.034, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.312(1)(a),(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Delinquency

RULE NO.: 61H1-33.0061

PURPOSE AND EFFECT: The Board proposes the new rule to address delinquent licenses.

SUBJECT AREA TO BE ADDRESSED: Delinquency.  
SPECIFIC AUTHORITY: 455.213(8), 455.271, 473.322(f), 473.323(i) FS.

LAW IMPLEMENTED: 455.213(8), 455.3271, 473.322(f), 473.323(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLES: Citations

RULE NOS.: 61H1-36.005

Minor Violation, Notice of Non-Compliance  
PURPOSE AND EFFECT: The Board proposes the review of the rules to see if any changes are deemed necessary.

SUBJECT AREA TO BE ADDRESSED: Citations and Minor Violations, Notice of Non-Compliance.

SPECIFIC AUTHORITY: 455.224, 455.225, 455.2273, 473.304 FS.

LAW IMPLEMENTED: 455.224, 455.2273, 473.323(1)(m) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Mediation  
RULE NO.: 61H1-36.006  
PURPOSE AND EFFECT: The Board proposes the review of the rule to see if any changes are deemed necessary.  
SUBJECT AREA TO BE ADDRESSED: Mediation.  
SPECIFIC AUTHORITY: 455.2235 FS.  
LAW IMPLEMENTED: 455.2235 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Ste. A, Gainesville, Florida 32607

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Provisions Governing All Supervisors or Monitoring Physicians  
RULE NO.: 64B8-8.0021

PURPOSE AND EFFECT: The Board originally proposed the development of this rule to address payment of physicians who supervise or monitor other physicians on probation. This current rule development expands the rule development to address additional criteria with regard to supervision or monitoring of physicians on probation.

SUBJECT AREA TO BE ADDRESSED: Provisions governing physicians who supervise or monitor other physicians on probation.

SPECIFIC AUTHORITY: 458.309, 459.331 FS.

LAW IMPLEMENTED: 458.331 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.0021 Provisions Governing All Supervisors or Monitoring Physicians.

(1) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(2) The Respondent shall not practice without a supervisor/monitor unless otherwise ordered by the Board. The Respondent shall appear at the next meeting of the Board’s Probation Committee with his proposed supervisor or monitor unless otherwise ordered.

(3) After the next meeting of the Probation Committee, Respondent shall only practice under the supervision of the supervisor or monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, Respondent and the supervisor/monitor shall immediately notify the Board of Medicine Compliance Officer and Respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Probation Committee may approve a temporary supervisor/monitor who may serve in that capacity until the next meeting of the Probation Committee at which time the Committee shall accept or reject a new proposed supervisor/monitor. If the Probation Committee or the Board reject the proposed supervisor/monitor, Respondent shall cease practice until a new supervisor/monitor is approved by the Probation Committee and the Board.

(4) The supervisor/monitor must be a licensee under Chapter 458, F.S., in good standing, without restriction or limitation on his license and must serve as a volunteer without compensation. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his or her license to practice medicine in this or any other jurisdiction. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Probation Committee or the Board may also reject any proposed supervisor/monitor for good cause shown.

Specific Authority 458.309, 459.331 FS. Law Implemented 459.331 FS. History—New.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLE: Risk Assessment  
 RULE NO.: 64B24-7.004

PURPOSE AND EFFECT: To update the rule based on the current state of medical knowledge.

SUBJECT AREA TO BE ADDRESSED: Risk Assessment.

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 467.015 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B24-7.004 Risk Assessment.
- (1) through (3)(a) No change.
- (b) Documented Problems in Maternal Medical History
  - 1. through 6. No change.
  - 7. Documented Problems in Obstetrical History
    - a. through d. No change.
    - e. Uterus.
      - (i) Incompetent cervix, with related medical treatment. 3
      - (ii) Prior uterine surgery 3
      - (iii) Prior uterine surgery followed by an uncomplicated vaginal birth 2
    - f. through i. No change.
    - 8. through 10. No change.

Specific Authority 456.004(5), 467.005 FS. law Implemented 467.015 FS. History–New 7-14-94, Formerly 61E8-7.004, 59DD-7.004, Amended 9-11-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Mental Health Program**

RULE CHAPTER TITLE: Emergency Medical Services  
 RULE CHAPTER NO.: 64E-2

PURPOSE AND EFFECT: Announce workshops to open discussion with the EMS community regarding rule promulgation. Topics for change to include, updating school certification and regulation, instructor qualifications, vehicle equipment lists, COPCN language, CPR/ACLS equivalency mechanism, paramedic continuing education, and inspection forms.

SUBJECT AREAS TO BE ADDRESSED: Basic Life Support Service License – Ground, Advanced Life Support Service License – Ground, Air Ambulances, Drivers, Emergency Medical Services Grants Procedures, Certificate of Public Convenience and Necessity, Inspections, Training Programs, Cardiopulmonary and Advanced Cardiac Life Support Courses.

SPECIFIC AUTHORITY: 381.0011, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715, 401.31, 401.35 FS.

LAW IMPLEMENTED: 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

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

TIME AND DATE: 2:00 p.m. – 5:00 p.m., November 14, 2005

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122, (407)996-9840

TIME AND DATE: 10:00 a.m. – 12:30 p.m., November 15, 2005

PLACE: Broward County Emergency Operations Center, 201 N.W. 84th Avenue, Plantation, FL 33324, (954)831-3900

TIME AND DATE: 9:30 a.m. – 12:00 p.m., November 16, 2005

PLACE: Tampa Marriott Westshore, 1001 North Westshore Blvd., Tampa, FL 33607, (813)287-2555

TIME AND DATE: 1:30 p.m. – 4:00 p.m., November 17, 2005

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa\_walker2@doh.state.fl.us; Fax (850)488-2512

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: General Provisions  
 RULE TITLE: Adoption of Uniform Rules of Procedure;

Due Process Procedures; Subject Matter Index; Official Reporter  
 RULE NO.: 68-1.001

PURPOSE AND EFFECT: The purpose of the proposed new rule is to place existing Florida Fish and Wildlife Conservation Commission (FWC) procedural provisions currently located in

Rules 68A-2.009 and 68A-2.013, F.A.C., into a single rule in a new rule chapter clearly designated to apply to the entire agency and to incorporate into the rule due process procedures adopted by the Commission at its inception in 1999. This effort is being done in conjunction with the repeal of obsolete rules in Rule Chapter 68A-2, F.A.C., and the transfer of certain rules (Rules 68A-2.014 and 68A-2.015, F.A.C.) intact from that chapter to new Rule Chapter 68-1, F.A.C. The effect of this rulemaking will be to make procedural rules more readily available to the general public through the reorganization.

**SUBJECT AREA TO BE ADDRESSED:** The subject to be addressed is the Commission’s procedural rules.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

68-1.001 Adoption of Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter.

(1) The Uniform Rules of Procedure, Chapter 28, Florida Administrative Code, shall be the procedural rules of the Fish and Wildlife Conservation Commission.

(2) The due process procedures adopted by the Commission on July 7, 1999, are incorporated herein by reference.

(3) The Commission designates Florida Administrative Law Reports (FALR) as its official reporter for purposes of publishing and indexing by subject matter all Commission orders rendered pursuant to exercise of authority granted to the Commission by state statute.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

**RULE TITLE:** Public Records and Availability of Forms; Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms **RULE NO.:** 69N-121.007

**PURPOSE AND EFFECT:** Puts record owners on notice of the effect of marking a record as confidential or as a trade secret, and makes clear the owner’s continuing responsibility toward those records

**SUBJECT AREA TO BE ADDRESSED:** Public Records requests for a record purportedly exempt from Chapter 119, F.S., as it contains a trade secret.

**SPECIFIC AUTHORITY:** 120.53, 624.308 FS.

**LAW IMPLEMENTED:** 119.01, 119.021, 119.07, 120.53, 624.307(1), 624.311, 624.501, 627.919 FS.

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

**TIME AND DATE:** 9:30 a.m., November 14, 2005

**PLACE:** Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com.

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

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

**RULE CHAPTER TITLE:** Best Management Practices for Florida Vegetable and Agronomic Crops **RULE CHAPTER NO.:** 5M-8  
**RULE TITLES:** Purpose 5M-8.001  
Approved BMPS 5M-8.002