

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties

RULE NO.: 1A-31.013

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to Sections 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to Section 267.13(2)(d), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in Sections 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) 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: 4:00 p.m., Tuesday, November 29, 2005

PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1A-31.013 Prohibited practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in Sections 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in Section 267.13(2)(b), F.S. If the alleged violator timely requests a

hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in Section 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History--New _____.

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties

RULE NO.: 1A-32.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to Sections 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to Section 267.13(2)(d), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in Sections 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) F.S.

LAW IMPLEMENTED: 267.13(2)(e) F.S.

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: 4:00 p.m., Tuesday, November 29, 2005

PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1A-32.006 Prohibited practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in Sections 267.13(2)(a)-(c), F.S. If it is determined to be in the

best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in Section 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in Section 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History—New _____.

DEPARTMENT OF LEGAL AFFAIRS

Lemon Law Arbitration Program

RULE TITLE: RV Mediation and Arbitration Program; RULE NO.:

Qualification, Reporting, Disqualification, Manufacturer Conduct Not Available

PURPOSE AND EFFECT: The purpose of the proposed rule is to set forth the requirements of the Department of Legal Affairs for the qualification of a manufacturer-sponsored mediation and arbitration program for recreation vehicles, delineate circumstances that may result in a program not being qualified or in the disqualification of a qualified program, and implement the reporting requirements set forth in the statute for the program.

SUBJECT AREA TO BE ADDRESSED: The Florida RV Mediation and Arbitration Program.

SPECIFIC AUTHORITY: 681.1096, 681.1097, 681.118 FS.

LAW IMPLEMENTED: 681.1096, 681.1097 FS.

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., December 14, 2005

PLACE: Office of the Attorney General, The Leroy Collins Building, Room 138, 107 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3300, email: jan_smith@oag.state.fl.us

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices (BMPS) RULE CHAPTER NO.:

for Citrus, Cow/calf, Dairies and Other Agriculture in the Lake Okeechobee Priority Basins (S-191, S-154, S65 D AND E)

5M-3

RULE TITLES: RULE NOS.:

Purpose	5M-3.001
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Notice of Intent to Implement	5M-3.004
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Land Use Changes	5M-3.008
Preservation of Authority	5M-3.009

PURPOSE AND EFFECT: The purpose of this rule amendment is to increase the geographic scope of the rule, and to incorporate changes to definitions and record keeping details. New and updated reference documents will be adopted by reference.

SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to expand the geographic area covered by the existing rule to cover the entire Lake Okeechobee Watershed. The January 2005 version of the Water Quality/Quantity BMPs for the Indian River Area Citrus Groves document and the Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005) document will be adopted by reference. Details concerning record keeping and timing of implementation of Best Management Practices will be modified.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

TIME AND DATE: 6:00 – 8:00 p.m., December 7, 2005

PLACE: South Florida Water Management District Service Center Auditorium, 205 North Parrott Avenue, Suite 201, Okeechobee, Florida 34972

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**BEST MANAGEMENT PRACTICES (BMPS) FOR
WATERSHED CITRUS, COW/CALF, DAIRIES AND
OTHER AGRICULTURE IN THE LAKE OKEECHOBEE
PRIORITY BASINS (S-191, S-154, S65-D AND E)**

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. The rule defines the phosphorus management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program, pursuant to Section 403.067, F.S., and the South Florida Water Management District's Works of the District Program contained in Chapter 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets or total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

Specific Authority ~~373.4595(3)(7)(c)1., 403.067(7)(c)2.(d)1.~~ FS. Law Implemented ~~373.4595(3)(7)(c)1., 403.067(7)(c)2.(d)1.~~ FS. History—New 10-23-03, Repromulgated.

5M-3.002 Definitions.

(1) "Agricultural Nutrient Management ~~Assessment and~~ Plan" ("ANMAP") means a site-specific plan establishing the rate at which nutrients (manure, litter, waste bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Field Office Technical Guide and the USDA's Comprehensive Nutrient Management Planning Technical Guidance (CNMP) located in Part 600.5 of the National Planning Procedures Handbook Amendment 4, which may be viewed or copied by going to <http://www.floridaagwaterpolicy.com>, ~~<http://www.nrcs.usda.gov/programs/afo/>~~ or obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd Street, Gainesville, FL 32614-1510.

(2) "Agronomic Rates" means the application of nutrients to the soil that equals the rate of nutrient uptake, by existing or planned agriculture crop or pasture grass, required to produce an expected yield while minimizing adverse environmental effects.

(3) "Animal Wastes" means manure, used bedding, litter, feed, soil, urine, compost, and process wastewater from animal production areas.

(4) "Buy-out Dairy Property" means property on which a "dairy farm", as defined in subsection 5D-1.001(49), F.A.C., and a "high intensity use area", as defined by the Florida Department of Environmental Protection (FDEP) through Rule 62-670.200, F.A.C., dated December 26, 1996, have ceased operations.

(5) "~~Certified~~ Technical Service Provider" ("CTSP") means an individual, or an entity or public agency having an employee or employees who meet the minimum NRCS criteria for providing technical service for conservation planning or a specific conservation practice or system. The minimum criteria for providing technical service ~~is~~ are outlined in 7 CFR Part 652, subpart B, effective November 20, 2002. Individuals who meet the minimum NRCS criteria must be approved and certified by the USDA/NRCS State Conservationist and placed on the approved list to provide technical service to program participants or to the Department.

(6) "Conservation Plan" means:

(a) a record of the landowner's decisions and supporting information for treatment of a unit of land or water as a result of ~~a~~ the ~~the~~ planning process that is consistent with the approved ~~by the Department, or that meets~~ Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and social considerations. The plan must be consistent developed ~~in accordance~~ with the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook Amendment 4 ~~and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resources, and federal, state and local requirements must be met.~~ The National Planning Procedures Handbook Amendment 4 may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~http://policy.nrcs.usda.gov/scripts/lpsis.dll/H/H_180_600.htm~~, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510; or,

(b) for those landowners otherwise not eligible for USDA/NRCS cost-share programs, an alternative plan approved by the Department in consultation with the Florida Department of Environmental Protection, providing equivalent water resource protection to a USDA/NRCS conservation plan.

(7) "Field Office Technical Guide" ("FOTG" or "eFOTG", the online electronic version) means the official NRCS series that includes volume I-V, in effect August 1, 2003, which set forth the guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~http://www.nres.usda.gov/technical/efotg/~~ or obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510.

(8) "Nutrient Management Plan" means a component of a site specific conservation plan that is designed and applied according to the USDA/NRCS conservation practice standard included in Section IV, Code 590 Nutrient Management, of the FOTG/~~eFOTG~~ ~~Efotg~~. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management section of the FOTG/~~eFOTG~~ ~~Efotg~~, Code 590, Conservation Practice Standard may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~ftp://ftp.ftw.nres.usda.gov/pub/nhep/pdf/590.pdf~~.

(9) "Lake Okeechobee Watershed" means Lake Okeechobee and the area surrounding and tributary to Lake Okeechobee, composed of the surrounding hydrologic basins, as defined by the Lake Okeechobee Protection Plan dated January 1, 2004.

Specific Authority 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.003 Approved Best Management Practices.

The following best management practices (BMPs) are approved for the Lake Okeechobee Watershed, priority basins, (S-191, S-154, S-65 D and E) as identified in Section 373.4595 (3)(b)1., F.S.

(1) The document titled Water Quality/Quantity BMPs for the Indian River Area Citrus Groves; (January 2005 May 2000) is hereby incorporated and adopted by reference in this rule. Copies of this document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, FL 34945.

(2) The document titled Water Quality BMPs for Cow/Calf Operations; (June 1999) is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Florida Cattlemen's Association, P. O. Box 421929, Kissimmee, FL 34742-1929.

(3) The document titled Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005) is hereby incorporated and adopted by reference in this rule for participating vegetable and agronomic crop growers statewide. Copies of the document may be obtained from the local county University of Florida Cooperative Extension Service office or from the Florida

Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

~~(4)(3) Implementation of a site specific conservation plan, as defined in Rule 5M-3.002, F.A.C., developed in accordance with the USDA/NRCS National Planning Procedures Handbook Amendment 4 and approved by the USDA/NRCS. A copy of the National Planning Procedures Handbook Amendment 4 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614 1510.~~

~~(5)(4) Implementation of a site specific Agricultural Nutrient Management Assessment and Plan (ANMAP), as defined in Rule 5M-3.002, F.A.C., developed for a dairy or cow/calf operation located on buy-out dairy property or other Concentrated Animal Feeding Operation.~~

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.004 Notice of Intent to Implement.

A Notice of Intent to Implement any of the non-regulatory and incentive based programs set forth in Rule 5M-3.003, F.A.C., shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Boulevard, Suite 200, Tallahassee, FL 32301.

(1) Such notice shall identify those practices from the approved best management practices listed in Rule 5M-3.003, F.A.C., the applicant intends to implement. The notice shall also include the name of the property owner; the location of the property(ies); the property tax ID number(s); a timeline for implementation, the gross acreage on which each practice will be implemented; the name and contact information for an authorized representative; and the signature of the owner, leaseholder, or authorized agent.

(2) Once filed with the Florida Department of Agriculture and Consumer Services, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 373.4595(3)(c)1.b., F.S. All landowners who receive assistance with implementation shall complete implementation of applicable Best Management Practices within twenty-four (24) months.

(3) All landowners who submit a Notice of Intent must implement the nutrient management component of the applicable Best Management Practices upon notice submittal.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.005 Presumption of Compliance.

(1) Flatwoods, or non "ridge" Citrus. In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* (~~May 2000~~ January 2005);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation, and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972.

(2) Cow/Calf. In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Water Quality Risk Assessment section of the document titled *Water Quality BMPs for Cow/Calf Operations* (June 1999);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park St., Suite C, Okeechobee, FL 34972.

(3) Vegetable/Agronomic Crops. In order to obtain the presumption of compliance with applicable state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices the applicant must:

(a) Conduct a comprehensive assessment of the subject properties using the Decision Tree Flowchart and associated appendices incorporated in the document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops* (Edition 2005);

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-8.004, F.A.C.;

(c) Implement all applicable BMPs in accordance with the timeline identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement;

(d) Maintain documentation to verify the implementation and maintenance of the identified BMPs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow access to the property(ies) for verification of implementation, operation and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park St., Suite C, Okeechobee, FL 34972.

(4) Ridge citrus. In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. the applicant must comply with the provisions of Rule 5E-1.023, F.A.C.

~~(5)(3)~~ Dairies/Buy-out Dairies. In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Conduct an Agricultural Nutrient Management Assessment and Plan as defined in subsection 5M-3.002(1), F.A.C.

~~(b)(a)~~ Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

~~(c)(b)~~ Implement non-regulatory and incentive-based programs identified in the Agricultural Nutrient Management Assessment and Plan for the subject properties and listed in the Notice of Intent to Implement;

~~(d)(e)~~ Maintain documentation to verify the implementation and maintenance of non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices; and

~~(e)(d)~~ Allow ~~FDACS~~ access to the property(ies) for verification and implementation, operation and maintenance of BMPs.

~~(6)(4)~~ Other Agriculture. In order to receive the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, FL 34972-4168 for development of a Conservation Plan or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified in the site-specific Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C., for the subject properties;

(d) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972;

(e) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices; and

(f) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation, and maintenance of the BMPs.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorous-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the USDA/NRCS consistent with the USDA, NRCS, Field Office Technical Guide, Conservation Practice Standards-Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan, and associated records, shall be made available to the Department or its representative, upon request. FOTG Code 590 “Nutrient Management” may be viewed or copied by going to <http://www.floridaagwaterpolicy.com>.

~~<http://ftp.ftw.nres.usda.gov/pub/nhep/pdf/590.pdf>~~ FOTG Code 633 “Waste Utilization” may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~<http://ftp.ftw.nres.usda.gov/pub/nhep/pdf/633.pdf>~~.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.007 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive-based programs identified in the Notice of Intent to Implement. All documentation is subject to ~~FDACS~~ inspection.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Amended.

5M-3.008 Land Use Changes.

Any change in the land use shall require the landowner to demonstrate to the South Florida Water Management District that the proposed changes in land use will not result in increased phosphorus loading over that of the existing land uses. Affected landowners should contact the Florida Department of Agriculture and Consumer Services Okeechobee Office, 305 East North Park Street, Suite C, Okeechobee, FL 34972 for assistance in the event of land use changes.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Repromulgated.

5M-3.009 Preservation of Authority.

Nothing in this rule shall be construed as modifying or limiting the existing authority of the Department of Environmental Protection or the South Florida Water Management District’s existing authority under Chapters 373 and 403, F.S., or the existing requirements of any permits, consent decree or rule.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)1. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)1. FS. History—New 10-23-03, Repromulgated.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Small Cities Community 9B-43
 Development Block Grant Program

RULE TITLES: RULE NOS.:

Definitions 9B-43.003
 Eligible Applicants 9B-43.004
 Application Criteria 9B-43.005
 Application Procedures for All Categories 9B-43.006
 Scoring System 9B-43.007
 Program Requirements for Housing 9B-43.009
 Program Requirements for Neighborhood
 Revitalization 9B-43.010
 Program Requirements for Economic
 Development 9B-43.012
 Program Requirements for Commercial
 Revitalization 9B-43.013
 General Grant Administration of All Categories 9B-43.014

PURPOSE AND EFFECT: To incorporate the 2005 legislative changes, reorganize the rules and provide clarification of the rule chapter.

SUBJECT AREA TO BE ADDRESSED: The Community Development Block Grant Program rule.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.04, 290.042, 290.043, 290.044, 290.046, 290.047, 290.0475 FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., December 1, 2005

PLACE: City Commission Chambers, 205 North Marion Avenue, Lake City, Florida 32055

TIME AND DATE: 9:00 a.m. – 3:00 p.m., December 2, 2005

PLACE: Lake Placid Town Hall, 311 West Interlake Boulevard, Lake Placid, Florida 33852

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Judy Peacock, Planning Manager, CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644 (SUNCOM 278-3644) at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Monya Newmyer, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Governing the Procedure for 9J-11
 Submittal and Review of Local
 Government Comprehensive Plans
 and Amendments

RULE TITLES: RULE NOS.:

Submittal Requirements for Proposed
 Local Government Comprehensive Plans 9J-11.004
 Submittal Requirements for Proposed Local
 Government Comprehensive Plan
 Amendments 9J-11.006
 Action Upon Receipt of Proposed Local
 Government Comprehensive Plan
 Amendment 9J-11.009
 Review of Proposed Local Government
 Comprehensive Plan or Proposed
 Plan Amendment 9J-11.010
 Local Government Adoption of the
 Comprehensive Plan or Plan
 Amendment and Submittal for the
 Compliance Review 9J-11.011
 Compliance Review and Notice of Intent 9J-11.012
 Local Government Adoption of Comprehensive
 Plan Compliance Agreement(s) and
 Transmittal to the Department 9J-11.0131
 Submittal Requirements for Adopted
 Amendments That are Exempt from
 State and Regional Review 9J-11.015
 Evaluation and Appraisal Reports and
 Evaluation and Appraisal Report-Based
 Amendments 9J-11.018
 Submittal Requirements for Public Schools
 Interlocal Agreement and Amended
 Agreements 9J-11.022

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revisions of Chapter 9J-11, F.A.C., pertaining to comprehensive plan amendments exempt from the twice per calendar year limitation on the adoption of comprehensive plan amendments. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for amendments that are exempt from State and regional review. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for evaluation and appraisal reports and appraisal report-based amendments.

SPECIFIC AUTHORITY: 163.3177(9), 163.3202(5) FS.

LAW IMPLEMENTED: 163.3167(2), (3), 163.3175(2), (3), (4), 163.3177(1), (3), (4), (6), (7), (9), (10), (12), (13), (14), 163.3184(1), (2), (3), (4), (5), (6), (7), (14), (15), (16), (17), (18), 163.3187(1), (2), (5), (6), 163.3189, 163.3191, 163.3202, 369.321(5), 163.3146(9), 380.06(6) 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 (IF THIS WORKSHOP IS NOT REQUESTED, IT WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., November 28, 2005

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or (850)922-1767, SUNCOM 292-1967 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

(1) No change.

(2) The local government shall submit three copies of all comprehensive plan materials, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1), (4)(b), (7), (9), 163.3184(2), (3), (14), (15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05,_____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) The local government shall submit three copies of each proposed amendment, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including applicable supporting documents which include data and analyses directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy directly to the appropriate agencies list in subsection 9J-11.009(6), F.A.C. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph 9J-11.006(1)(a)7., F.A.C., below, shall be consolidated into a single submission for each of the two plan amendment adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, F.S., shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, F.A.C., must be followed. For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 7.d. No change.

~~e.~~ Whether the amendment updates the ~~is directly related to an~~ intergovernmental coordination element to comply with ~~pursuant to~~ Sections 163.3177(6)(h)5, ~~1.a., b., and e.~~, F.S.;

f. through i. No change.

~~j.~~ ~~An amendment changing school concurrency service area boundary pursuant to Sections 163.3180(13)(c)2., F.S.;~~

~~j.k.~~ An amendment directly related to proposed redevelopment of brownfield areas designated under Section 376.80, F.S.;

~~k.l.~~ An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to Section 311.07, F.S.;

~~l.m.~~ An amendment for the purpose of designating an urban infill and redevelopment area under Section 163.2517, F.S.

~~m.n.~~ Directly related to providing transportation improvements as provided for in Section 163.3187(1)(k), F.S.;

~~n.o.~~ An amendment adopting a public school ~~educational~~ facilities element pursuant to Sections 163.3177(12) ~~163.3177(5)~~ and 163.3187(1)(l)(k), F.S.;

~~o.p.~~ An amendment to the future land use map identifying school sites pursuant to Sections 163.3177(6)(a) and 163.3187(1)(l), F.S.;

~~p.q.~~ An amendment to the Intergovernmental Coordination Element pursuant to Section 163.3177(6)(h)4.b., F.S.;

~~q.r.~~ An amendment adopting a boating facility siting plan or policy pursuant to Section 380.06(24)(k)1., F.S.

~~r.s.~~ An amendment addressing criteria or compatibility of land uses adjacent to or in close proximity to military installations pursuant to Sections 163.3187(1)(m), F.S.;

~~s.t.~~ An amendment establishing or implementing a rural land stewardship area pursuant to Section 163.3177(11)(d), F.S.;

~~t.u.~~ An amendment incorporating the regional water supply work plan approved pursuant to Sections 373.0361 and 163.3177(6)(c), F.S.;

~~u.v.~~ An amendment implementing the Wekiva Study Area plan pursuant to Section 369.321, F.S.;

v. An amendment to the capital improvements element to update the schedule of capital improvements on an annual basis pursuant to Section 163.3177(3)(b)1., F.S.;

w. An amendment to the capital improvements element other than an update to the schedule of capital improvements pursuant to Section 163.3177(3)(b)2., F.S.;

x. An amendment that is intended to incorporate a community vision meeting the criteria of Section 163.3177(13), F.S., as a component to the comprehensive plan pursuant to Section 163.3177(13)(f), F.S.;

y. An amendment that is intended to designate an urban service boundary meeting the criteria of Section 163.3177(14), F.S., pursuant to Section 163.3177(14)(b), F.S.;

z. A map amendment consistent with Section 163.3184(17), F.S., within the urban service boundary for those local governments that have adopted a community vision and urban service boundary pursuant to Sections 163.3177(13) and (14), F.S.;

aa. A map amendment consistent with Section 163.3184(18), F.S., within the urban infill and redevelopment area for those local governments that have adopted an urban infill and redevelopment area pursuant to Section 163.2517, F.S.;

bb. An amendment submitted pursuant to Section 163.3187(1)(o), F.S., within an area designated by the Governor as a rural area of critical economic concern under Section 288.0656(7), F.S.; and

cc. An amendment necessary to carry out the approved recommendation of a special magistrate under Section 70.051, F.S.

8. through (b)3. No change.

4. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and

5. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(3),(6), (9),(13), (14), 163.3184(1), (2), (3), (15), (17), (18), 163.3187(1), (2), (5), 163.3191, 369.321(5), 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (5) No change.

(6) The local government shall transmit three copies of plans, parts of plan, or plan amendments to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:

- (a) The appropriate regional planning council;
- (b) The appropriate county (municipal plans only);
- (c) The Department of Environmental Protection;
- (d) The Department of Transportation;
- (e) The appropriate water management district(s);
- (f) Florida Department of State;
- (g) Florida Fish and Wildlife Conservation Commission (county plans only);
- (h) The Department of Agriculture and Consumer Services (county plans only); and
- (i) Office of Educational Facilities of Commissioner of Education (if related to the public school educational facilities element pursuant to Section 163.3177(12)(6), F.S.).

(j) The commanding officer or designee of each military installation located within, adjacent or proximate to the local government (if the amendment would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation) and:-

(k) Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(o), F.S.

(7) No change.

(8) Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

(a) Pursuant to Section 163.3177(3)(b)1., F.S., future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update by December 1 each year beginning 2007, except local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.;

(b) Pursuant to Section 163.3177(6)(a), F.S., no amendment may be adopted if the local government has failed to comply with the school siting requirements, except amendments described in Section 163.3187(1)(b), F.S.;

(c) Pursuant to Section 163.3177(12)(j), F.S., amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement by December 1, 2008;

(d) Pursuant to Section 163.3187(6)(a), F.S., no amendment may be adopted if the local government has failed to adopt its evaluation and appraisal report by the established adoption date, except for amendments described in Section

163.3187(1)(b) or (h), F.S., until such time as the local government submits an adopted evaluation and appraisal report to the Department:

(e) Pursuant to Section 163.3187(6)(c), F.S., no amendment may be adopted if the Department has determined that the adopted evaluation and appraisal report does not sufficiently address the requirements of Section 163.3191, F.S., and the one year period after the initial sufficiency determination has expired until such time as the local government adopts and submits an evaluation and appraisal report that the Department determines is sufficient, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.:

(f) Pursuant to Section 163.3191(10), F.S., no amendment may be adopted if the local government has failed to timely adopt and transmit the evaluation and appraisal report-based amendments after July 1, 2006; and

(g) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.009(8)(a) through (f), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government. In order to secure review thereafter, the local government may readopt and resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187 and 163.3189, F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12) 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, _____.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) If the review is for a plan or if a decision has been made to review a plan amendment under Rule 9J-11.009, F.A.C., the Department shall review each comprehensive plan or amendment to determine whether it is consistent with the requirements of Sections 163.3177, ~~163.3177(6)~~, 163.3178, 163.3180, 163.3184, 163.3187, 163.3189 and 163.3191, F.S., Chapter 9J-5, F.A.C., the State Comprehensive Plan and the appropriate strategic regional policy plan.

(2) through (7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9), (10), 163.3184(1)(b), (6)(a), (b), (c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05, _____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) No change.

(2) In the case of an adopted amendment that is exempt from State and Regional review, a small-scale development plan amendment the local government may follow the procedures in Rule 9J-11.015, F.A.C.

(3) through (4) No change.

(5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C., and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies' copy of the adopted plan remains complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) through e. No change.

f. If package contains a future land use map amendment adopted after December 1, 2007, a statement indicating the date that the annual capital improvement element update has been adopted and submitted along with the summary of de minimis impact records.

6. through (7) No change.

(8) In the case where the local government amends the capital improvement element, the following information will be required:

(a) If the amendment adopts corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, or acceptance of facilities pursuant to dedications that are consistent with the plan or facility construction dates pursuant to Section 163.3177(3)(b), F.S., a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. If a local government adopts corrections, updates, or modifications of current costs in other elements which were set out as part of the comprehensive plan, a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. Copies of the referenced executed ordinances in this section of Rule 9J-11.011, F.A.C., shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and will not be subject to a compliance review.

(b) If the amendment is adopted to meet the annual update of the schedule or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule pursuant to Section 163.3177(3)(b), F.S., the local government must submit a copy of the executed ordinance, the amendment in strike thru and underline format, and a summary of the de minimis impact records pursuant to Section 163.3180(6), F.S.

(9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, F.S. They shall include the following language in the adoption ordinance for plan amendments other than adopted amendments that are exempt from State and Regional review small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), F.S., whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(3), (9), 163.3184(1)(b), (2), (6), (7), (15), (16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection 9J-11.012(1), F.A.C., the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, F.S., 163.31776 when local government adopts an educational facilities element, Sections 163.3178, 163.3180, 163.3191, and 163.3245, F.S., the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, F.A.C., and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent

shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8), (9), (10) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01, 11-24-02,_____.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) through (2) No change.

(3) Within ten working days after the local government has adopted the compliance agreement plan amendment(s), the local government shall submit to the Department a complete compliance agreement plan amendment(s) package consisting of: a transmittal cover letter signed by the chief elected official indicating compliance with paragraphs 9J-11.0131(2)(a), (b) and (c), F.A.C., the executed ordinance(s) adopting the compliance agreement plan amendment(s) and three copies of the compliance agreement plan amendment(s), of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF). This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The local government shall also submit one copy of the adopted compliance agreement plan amendment(s) to the appropriate regional planning councils, local governments or government agency in the state that has filed a written request and intervenors as indicated in Section 163.3184(16)(d), F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History—New 11-10-93, Amended 11-6-96, 4-8-99, 11-24-02,_____.

9J-11.015 Submittal Requirements for Adopted Amendments That are Exempt from State and Regional Review Small Scale Development Amendments.

(1) The local government shall submit, within ten working days after adoption, one copy of all plan amendment materials, which may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(a) The chief elected official or designee shall sign a letter transmitting the adopted ~~small scale development(s)~~ amendment to the Department. The transmittal letter shall specify the following: indicate that the local government submits this adopted small scale development amendment in accordance with Subsection 163.3187(1)(c)2., F.S.

1. Whether the adopted amendment is exempt from State and Regional Review, and the facts and circumstances that cause the amendment to be considered as one of the following:

a. A map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

b. A map amendment solely to property within an urban service boundary which meets the criteria of Section 163.3184(17), F.S.;

c. A map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.; and

d. A plan amendment within an area certified pursuant to Section 163.3246, F.S.

2. The date the adoption public hearing was held;

3. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the adopted amendment(s) and is responsible for ensuring that the materials transmitted are complete.

4. For small scale development amendments adopted pursuant to Section 163.3187(1)(c), F.S., include the following information:

a. The local government transmittal letter shall state the number of acres for the submitted amendment submitted and the cumulative total number of acres for small scale development amendments for the calendar year that the local government has approved;

b. Whether the amendment involves the same property that was granted another change within the prior 12 months;

c. Whether the amendment involves the same owner's property within 200 feet that was granted a change with the prior 12 months;

d. Whether the proposed amendment involves a text change;

e. Whether the amendment is within an area of critical state concern; and

f. The residential land use density before and after the adopted change.

~~The local government shall enclose a copy of the executed ordinance(s) adopting the small scale development amendments that has been signed by the chief elected official.~~

(b)(2) The adopted amendment package shall include:

1. The local governing body shall submit One copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network;

2. A copy of the executed ordinance(s) adopting the amendments that has been signed by the chief elected official;

3. A copy of the public hearing notice; ~~shall also be included in the submittal package.~~

4. If amendment is a small scale development amendment within a rural area of critical economic concern and adopted pursuant to Section 163.3187(1)(c)4, F.S., a copy of the letter to Office of Tourism, Trade, and Economic Development certifying and explaining how the plan amendment meets the objectives of the executive order issued under Section 288.0656(7), F.S.;

~~5. A The local governing body shall simultaneously submit completed copy copies of Form RPM-BSP-Exempt Review, Small-Scale + effective _____ 6-30-05, incorporated by reference with the Small-Scale development amendment. Copies of Form RPM-BSP-Exempt Review Small Scale + may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team; and from the Department's web site.~~

~~(3) The adopted small scale amendment shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, within ten working days of adoption.~~

(2)(4) The local governing body shall transmit a copy of the adopted small-scale development amendment to the appropriate regional planning council, the Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(c)4., F.S.) and other local government or governmental agencies in the state that have has filed a written request with the governing body for a copy of the adopted amendment concurrently with the transmittal to the Department.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(17), (18), 163.3187, 163.3246(9)(a) FS. History--New 11-10-93, Amended 11-6-96, 4-8-99, 6-30-05, _____.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review ~~and adoption~~, and contemporaneously send a copy to the Department, which may be on CD ROM in Portable Document Format (PDF), and each review agency as listed under subsection 9J-11.009(6), F.A.C. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection 9J-11.009(6), F.A.C. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within

elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (c) No change.

(d) The appropriate reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., must provide written comments to the Department and the local government within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), F.S.

(e) Within 30 days of receipt of a complete proposed evaluation and appraisal report the Department shall review the proposed report and submit comments to the local government.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), F.S., the local government shall provide a copy of the report to all reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., including adjacent local governments.

(b) through (d) No change.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) Within 60 days of receipt of a complete ~~an~~ adopted evaluation and appraisal report, the Department shall review the adopted report for preliminary sufficiency. A final sufficiency determination shall be completed within 90 days of receipt. A sufficiency review shall not be a compliance review, but shall be a determination that:

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

~~(c) If the Department determines that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this Rule, the local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the report and may proceed with plan amendments in addition to the evaluation and appraisal report based plan amendments.~~

~~(d) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in Section 163.3187(1)(b) or (h), F.S., until such time as the local governing body adopts and submits an evaluation and appraisal report to the Department.~~

~~(e) If the Department determines that the adopted report is not sufficient because it fails to address the requirements of Section 163.3191, F.S., and this Rule, the local governing body may amend its comprehensive plan, for a period of one year after the initial determination of insufficiency. If the one year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient local government is prohibited from amending its comprehensive plan, until such time as the local governing body adopt, and submits an evaluation and appraisal report that the Department determines sufficiently addresses the requisite provision of Section 163.3191, F.S., and this rule, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.~~

~~(f) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.018(4)(d) and (e), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S. In order to secure review thereafter, the local government may resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S., following a determination that the local government's evaluation and appraisal report is sufficient.~~

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

The local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the evaluation and appraisal report once the Department has determined that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this rule.

(a) The amendments to implement the evaluation and appraisal report recommendations shall be adopted during a single amendment cycle pursuant to Section 163.3191(10), F.S., wWithin 18 months after the report is determined to be sufficient by the Department, ~~the local government shall amend its comprehensive plan based upon the recommendations contained therein unless a six-month extension is requested in writing by the local government. The extension request will be granted if the request demonstrates why the local government is unable to meet the original 18 month adoption time frame. Upon request an additional six month extension will be granted if the local government~~

demonstrates that the additional extension will result in greater coordination between transportation and land use for the purposes of improving Florida's transportation system.

(b) No change.

(6) SUBMITTAL OF COMPLETE UPDATED PLAN.

The local government shall submit a complete copy of the updated comprehensive plan, which may be on CD ROM in Portable Document Format (PDF), within 6 months after the effective date of the evaluation and appraisal report-based amendments.

Specific Authority 163.3177(9), 163.3191(10), (12) FS. Law Implemented 163.3187(6), 163.3191 FS. History--New 11-6-96, Amended 4-8-99, 11-24-02,_____.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

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

(b) The local government shall submit three copies, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and SMART Schools Clearinghouse.

(c) through (4) No change.

Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History--New 11-24-02, Amended_____.

DEPARTMENT OF REVENUE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Compensation for Tax Information	
RULE TITLES:	RULE NOS.:
Amount and Payment of Compensation	12-18.003
Submission of Information and Claims for Compensation	12-18.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.003, F.A.C. (Amount and Payment of Compensation), is to: (1) provide in subsection (2) of the rule that compensation for tax information will be paid at a flat rate of 10 percent, 5 percent, or 1 percent of the tax, penalty, and interest collected, based on the criteria currently established; and (2) remove the provisions of subsection (3) that established the criteria for when the Executive Director will pay an amount of compensation greater than the amounts established in subsection (2) of the rule.

The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to update information on how to obtain a copy of Form DR-55, Application for Compensation for Tax Information, from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to the Department's rules regarding the payment of compensation for information leading to the collection of taxes, penalties, or interest for taxes enumerated under Section 213.05, F.S.

SPECIFIC AUTHORITY: 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 213.30 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

12-18.003 Amount and Payment of Compensation.

(1) No change.

(2) The amount of compensation due for providing information resulting in the collection of taxes, penalties, and interest, except for the collection of unpaid taxes derived from the operation of vending machines, will take into account the value of the information in relation to the facts developed in the investigation or inspection of records.

(a) The amount of compensation will be 10 percent of the ~~first \$75,000 in~~ taxes, penalties, and interest collected, ~~5 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1 percent of any additional taxes, penalties, and interest collected~~ when:

1. The information is provided in the form of detailed and specific documentary or testimonial evidence;
2. The information directly caused an investigation or inspection of records;
3. The information directly resulted in the recovery of taxes, penalties, or interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section ~~s.~~ 213.05, F.S.; and
4. The detailed and specific documentary or testimonial evidence provided by the applicant significantly reduced the time and resources expended in establishing the facts necessary to determine that an infraction of those revenue laws existed.

(b) The amount of compensation will be 5 percent of the first \$75,000 in taxes, penalties, and interest collected, 2 1/2 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected when:

1. The information provided directly caused an investigation or inspection of records; and
2. The information, although not of sufficient detail or specificity to constitute evidence, was a significant factor in establishing that an infraction occurred and in the recovery of taxes, penalties, and interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section ~~§~~ 213.05, F.S.

(c) The amount of compensation will be 1 percent of the first \$75,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected when:

1. The information caused an investigation or inspection of records; and
2. The information provided was of no value in determining the specific liability for taxes, penalties, or interest due.

~~(3) The Executive Director, or the Executive Director's designee, will pay an applicant an amount greater than the amounts allowed in subsection (2) of this rule when all of the following criteria are met:~~

- ~~(a) The payment for compensation is insufficient to compensate the applicant for monetary damages;~~
 - ~~(b) The applicant reasonably fears for his or her safety in light of the totality of the circumstances; and~~
 - ~~(c) There is no other way for the Department to secure the proffered information.~~
- (4) through (7) renumbered (3) through (6) No change.

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 9-14-93, 10-19-99,_____.

12-18.004 Submission of Information and Claims for Compensation.

- (1) through (2) No change.
- (3)(a) The Department designates Form DR-55, Application for Compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 12/02), is hereby incorporated, by reference, in this rule.

(b) Copies of this form may be obtained, without cost, through one or more of the following methods: 1) downloading the form from the Department's Internet site at <http://www.myflorida.com/dor/taxes/rewards.html>; 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 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.

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 10-11-99, 10-1-03,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Public Use Forms	12A-1.097
Service Warranties	12A-1.105
Enterprise Zone and Florida Neighborhood Revitalization Programs	12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax; and (2) update information on how to obtain forms from the Department.

The purpose of the proposed amendments to Rule 12A-1.105, F.A.C. (Service Warranties), is to: (1) remove an unnecessary example regarding the taxability of service warranties; (2) clarify that any registered dealer who performs repairs or maintenance of tangible personal property indemnified under a service warranty may issue the dealer's Annual Resale Certificate to make tax-exempt purchases, for the purpose of resale, of repair parts, materials, and labor that are incorporated into the repair or maintenance property indemnified by a service warranty; (3) remove provisions regarding the imposition of discretionary sales surtax on the sale of service warranties that are provided in Rule 12A-15.003(7), F.A.C.; and (4) provide technical changes.

The purpose of the proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), is to implement the provisions of Sections 22 and 30, Chapter 2005-287, L.O.F., which provide that any business qualified to receive the enterprise zone jobs credit on or before December 31, 2005, that pays wages after that date may continue to claim that credit.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the proposed changes to forms used by the Department in the administration of sales and use tax; (2) the proposed changes regarding the imposition of discretionary sales surtax on the sale of service warranties and the purchase of parts, materials, and labor that is incorporated into the repair

or maintenance of property indemnified by a service warranty; and (3) the proposed changes to provisions for the enterprise zone jobs credit necessary to implement the provisions of Sections 22 and 30, Chapter 2005-287, L.O.F.

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

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 634.011, 634.131, 634.401, 634.415 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.097 Public Use Forms.

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

(a) Copies of these forms, except those denoted by an asterisk (*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.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) ~~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.

(b) No change.

Form Number	Title	Effective Date
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(2)(a) DR-1	Application to Collect and/or Report Tax in Florida (R. 01/04)	01/04 09/04
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(b) No change.

(3) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. 01/06 01/05)	01/05 06/05
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(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. 01/06 01/05)	01/05 06/05
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(6)(a) DR-15	Sales and Use Tax Return (R. 01/06 01/05)	01/05 06/05
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(b) DR-15CS	Sales and Use Tax Return (R. 01/06 01/05)	01/05 06/05
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(c) DR-15CSN	DR-15 Sales and Use Tax Return Returns – Instructions for 2006 2005	01/05 06/05
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(d) DR-15EZ	Sales and Use Tax Return (R. 01/06 01/05)	01/05 06/05
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(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions for 2006 2005	01/05 06/05
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(f) DR-15EZN	Instructions for 2006 2005 DR-15EZ Sales and Use Tax Returns (R. 01/06 01/05)	01/05 06/05
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(g) through (h) No change.

(i) DR-15N	Instructions for 2006 2005 DR-15 Sales and Use Tax Returns (R. 01/06 01/05)	01/05 06/05
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- (j) DR-15ZC Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2006 ~~2003~~ (R. 01/06 ~~01/03~~) ___ 05/03
 - (k) DR-15ZCN Instructions for Completing the Sales and Use Tax Return, form DR-15, when taking the Enterprise Zone Jobs Tax Credit under New Law (R. 01/06 ~~01/03~~) ___ 05/03
 - (l) No change.
 - (m) EZ-M Florida Enterprise Zone Program – Building Materials Sales Tax Refund Application for Eligibility (R. 07/05 ~~07/04~~) ___ 08/02
- (7) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, _____.

12A-1.105 Service Warranties.

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

~~(d) The partial exemption for the sale of new or used motor vehicles to a resident of another state authorized pursuant to Section 212.08(10), F.S., does not apply to the sale of service warranty contracts.~~

~~2. Example: A resident of another state purchases a motor vehicle from a Florida motor vehicle dealer for \$10,000 and a service warranty for \$500. The purchaser executes a notarized statement of his intent to license the vehicle in his state of residence within 10 days from the date of purchase. The tax rate on motor vehicles in the purchaser's state of residence is 3%. The Florida motor vehicle dealer should collect \$300 tax on the sale of the motor vehicle ($\$10,000 \times .03 = \300) and \$30 tax on the sale of the service warranty ($\$500 \times .06 = \30) for a total of \$330.~~

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

(c) Any dealer registered with the Department who performs repairs or maintenance of tangible personal property indemnified under a service warranty may purchase repair parts, materials, and labor incorporated into the repair or maintenance of indemnified property tax-exempt for the

purposes of resale. The repair dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C.

~~(5) The payment of all, or any portion, of a claim arising under a taxable service warranty which is not paid directly to the person performing repairs or maintenance or directly to a lessor of the product listed in the service warranty by the issuer of the service warranty is subject to sales tax. The Such taxable transactions include, but are not limited to, the following amounts are subject to tax:~~

- (a) Any deductible paid by the service warranty holder;
- (b) Any amount paid by the service warranty holder directly to the person performing repairs or maintenance of the product for which the warranty holder may be subsequently reimbursed by the issuer of the service warranty; and
- (c) Payment by the warranty holder for repairs or maintenance ~~that which~~ are not covered by the service warranty.

~~(6) The total consideration received or to be received for any service warranty is subject to any Discretionary Sales Surtax authorized by Section 212.055, F.S., and administered under Section 212.054, F.S., in any county which levies a surtax.~~

Cross Reference: Subsection (7) of Rule 12A-15.003, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, ~~212.054, 212.055,~~ 212.06, 212.08(7)(v), 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History–New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00, 6-19-01, _____.

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs.

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit. For employees hired on or after January 1, 2006 ~~October 1, 2004~~, an application that includes the information required by s. 212.096(3)(a)-(f), F.S., effective January 1, 2006 ~~July 1, 2004~~, must be filed with the Enterprise Zone Development Agency for the enterprise zone in which where the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15ZC, Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2006 ~~2002~~ (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax for employees hired on or after January 1, 2006 ~~October 1, 2004~~, must use Form ~~form~~ DR-15ZC to apply for, calculate, and claim the credit with the Department of Revenue. Form DR-15ZC must be certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or postmarked, within six months after the new employee is hired. Employers Beginning May 1, 2002,

employers have seven (7) months from the date a qualified leased employee is hired to file the certified DR-15ZC with the Department.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) No change.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (Form form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) and Form form EZ-M with the Department of Revenue. Form DR-26S must be attached to Form form EZ-M and its attachments, and the package must be delivered directly to the Department. For rehabilitation projects completed prior to July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or within 90 days after the rehabilitated property is first subject to assessment. For rehabilitation projects completed on or after July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or by September 1 of the year the rehabilitated property is first subject to assessment. The completed Form form DR-26S, the certified Form form EZ-M, and the required attachment; should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490

(3) through (9) No change.

Specific Authority 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.11(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g), (h), (n), (o), (q), (15), 212.096, 212.11(5), 212.15(2), 212.17(6), 212.18(2) FS. History--New 1-3-96, Amended 6-19-01, 8-1-02, 5-4-03,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

Table with 2 columns: RULE TITLES and RULE NOS.:
Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax 12A-15.003
Coin-Operated Amusement and Vending Machines, and Other Devices 12A-15.011

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.003, F.A.C. (Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax), is to provide that any dealer who receives consideration for the issuance of a service warranty is required to collect surtax at

the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), is to correct the divisor rates for counties that impose a discretionary sales surtax at the rates of 1/4 percent or 3/4 percent for purposes of computing the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed changes regarding the imposition of discretionary sales surtaxes on the sale of service warranties; and (2) the correction of the divisor rates to compute the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines in counties imposing a 1/4 percent or 3/4 percent discretionary sales surtax.

SPECIFIC AUTHORITY: 212.05(1)(h), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(24), 212.05(1), 212.0506, 212.0515, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(2), (8), 212.12(11), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-15.003 Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax.

(1) through (6) No change.

(7) SERVICE WARRANTIES.

(a) Any ~~dealer person who is located within a surtax county and~~ who receives consideration for the issuance of a service warranty from the agreement holder is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

(b)1. Example: The person receiving consideration for a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a refrigerator sold in County A and delivered in County B (a county imposing a 1.5% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7.5% (6% state sales tax and 1.5% surtax).

~~2.4. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a television located within County B (a county not imposing the surtax). The person receiving consideration for the service warranty is required to collect sales tax on the sales price of the service warranty at the rate of 6%. The person receiving the consideration is not required to collect surtax.~~

~~3.2. Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county not imposing a ~~1/2%~~ surtax). The service warranty covers a motor vehicle, and the resident address of the owner identified on the title document is located in County B (a county imposing a 1% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7% (6% state sales tax and 1% surtax).~~

(8) through (10) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(8), 212.18(3), 212.183 FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96, 6-19-01, 10-2-01, 4-17-03,_____.

12A-15.011 Coin-Operated Amusement and Vending Machines, and Other Devices.

(1) No change.

(2)(a) Vending machine sales; effective tax rates. The amount of tax to be paid on food, beverages, and other items of tangible personal property that are sold in vending machines is subject to the surtax at the rate imposed by the county where the machine is located. To calculate the tax due in an applicable reporting period for vending machines located in counties imposing a surtax:

1. Divide the total gross receipts from sales made through the vending machines by the divisors provided in paragraph (b) to compute gross taxable sales;

2. Subtract gross taxable sales from the total gross receipts to compute the amount of tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

Surtax Rate	Divisor for Food and Beverages	Divisor for Other Items of Tangible Personal Property
No Surtax	1.0645	1.0659
1/4%	1.06655 1.0425	1.0683
1/2%	1.0686	1.0707
3/4%	1.0706	1.0728 1.0727
1%	1.0726	1.0749
1 1/4%	1.07465	1.0770
1 1/2%	1.0767	1.0791

(c) No change.

(3) No change.

Specific Authority 212.05(1)(h), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(24), 212.05(1)(h), 212.0515, 212.054, 212.055, 212.07(2), 212.12(11), 212.18(3) FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 9-14-93, 11-16-93, 12-13-94, 3-20-96, 6-19-01, 11-1-05,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
 LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005
 PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form 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) ~~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 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
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/06 01/05)	___ 06/05
(3) DR-15SWN	Instructions for 2006 2005 DR-15SW Solid Waste and Surcharge Returns (R. 01/06 01/05)	___ 06/05
(4) No change.		

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours 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 WORKSHOP IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form 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) ~~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 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
(1) No change.		
(2) DR-1SR	Renewal Application for Secondhand Dealer or Secondary Metals Recycler (R. <u>06/05</u> 07/04)	<u>06/05</u>

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Sales for the Purpose of Resale	12A-19.060
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), is to: (1) eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.; and (2) amend the definition of taxable “communications services” to clarify that the definition includes services provided using voice-over-Internet-protocol, as provided in Section 14, Chapter 2005-187, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), is to eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; (2) adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return; and (3) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the implementation of the provisions of Chapter 2005-187, L.O.F., regarding the elimination of the tax on substitute communications systems and the clarification that taxable communications services include services provided using voice-over-Internet-protocol; and (2) the adoption, by reference, of changes to Form DR-700016, Florida Communications Services Tax Return, used by the Department in the administration of the communications services tax.

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (h) FS.

LAW IMPLEMENTED: 202.11(2), (3), (6), (8), (10), (11), (12), (13), 202.12(1), 202.13(2), 202.151, 202.16, 202.17(1), (3)(a), (4), (6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.010 Registration.

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

(2) No change.

(3)(a) Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using Form ~~form~~ DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). The following persons are not required to file Form ~~form~~ DR-700020 with respect to the activities listed:

1. No change.
- ~~2. Substitute communications system operators;~~
3. through 6. renumbered 2. through 5. No change.

(b) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a

point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c). The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added.

(c) through (d) No change.

~~(4) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014), as provided in subsection (2).~~

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

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

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

~~(4)(5) No change.~~

Specific Authority 202.26(3)(e), (h) FS. Law Implemented 202.11(2), (6), (8), (12), (3), (7), (9), (13), (14), (16); 202.12(1)(b), 202.15, 202.17(1), (3)(a), (4), 202.22(6)(a), 202.27(6) FS. History—New 1-31-02, Amended 4-17-03, _____.

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

(1)(a) No change.

~~(b) Tax due under Section 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on March 1 for the preceding calendar year. The payment accompanied with a return must either reach the Department or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.~~

~~(b)(e) No change.~~

(2)(a) No change.

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing

jurisdictions in which service addresses are located. The notification to the Department shall be made using ~~Form form~~ DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed ~~Form form~~ DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file ~~Form form~~ DR-700020:

1. No change.

~~2. Substitute communications system operators;~~

3. through 6. renumbered 2. through 5. No change.

(c) No change.

(3)(a) No change.

~~(b) Form DR-700016, Florida Communications Services Tax Return, must also be used to report and remit tax due on the use of substitute communications systems. Form DR-700016, accompanied by the applicable payment, is due on the first day of March following the use of a substitute communications system during the preceding calendar year. Such return and applicable payment shall be late on the 21st day of March following the end of the calendar year for which the return and applicable payment are due.~~

~~(b)(e) No change.~~

(4) through (5) No change.

~~(6) Purchasers Users of a substitute communications system, and purchasers paying communications services use tax directly to the Department, who file a timely tax return are not allowed to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed by and administered under Chapter 202, F.S.~~

(7) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, 9-28-04, 6-28-05, _____.

12A-19.060 Sales for the Purpose of Resale.

(1) through (3) No change.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

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

(b) through (d) No change.

(5) through (8) No change.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (12); 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History—New 1-31-02, Amended _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. 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 the form 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) 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.

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

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
<u>01/06</u>	<u>January 2006 –</u>	<u>January 1, 2006 –</u>
<u>11/05</u>	<u>November 2005 – December 2005</u>	<u>November 1, 2005 – December 31, 2005</u>
<u>06/05</u>	<u>June 2005 – October 2005</u>	<u>June 1, 2005 – October 31, 2005</u>
01/05	January 2005 – <u>May 2005</u>	January 1, 2005 – <u>May 31, 2005</u>
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

(5) through (9) No change.

Specific Authority ~~202.15~~; 202.151, 202.16(2), 202.26(3)(a), (c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (12); 202.12(1), 202.13(2), ~~202.15~~, 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, _____.

Form Number	Title	Effective Date
(3) No change.		
<u>(4)(a) DR-700016</u>	<u>Florida Communications Services Tax Return</u>	—
	<u>(R. 01/06)</u>	
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return</u>	—
	<u>(R. 11/05)</u>	
<u>(c) DR-700016</u>	<u>Florida Communications Services Tax Return</u>	—
	<u>(R. 06/05)</u>	

(a) through (p) renumbered (d) through (s) No change.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12B-7.031
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to Form DR-146,

Miami-Dade County Lake Belt Mitigation Fee Return; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt mitigation fee.

SPECIFIC AUTHORITY: 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours 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 WORKSHOP IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) Copies of this form and instructions are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing 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) visiting any local Department of Revenue Service Center to personally obtain a copy 2) faxing the Distribution Center at (850)922-2208; or, 3) calling the Forms Request Line during regular office hours at

~~(800)352-3671 (in Florida only) or (850)488-6800; or, 4) 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
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. 01/05 11/04)	____ 06/05

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, 6-28-05,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Premium Tax; Rate and Computation	12B-8.001
Insurance Policy Surcharge; Rate and Computation	12B-8.0012
Tax Statement; Overpayments	12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to add provisions necessary to facilitate the transfer of certified capital company (CAPCO) credits, as required under Section 288.99(11), F.S., as amended by Chapter 2005-91, L.O.F.

The purpose of the proposed amendments to Rule 12B-8.0012, F.A.C. (Insurance Policy Surcharge; Rate and Computation), is to implement the changes to Section 252.372, F.S., as amended by Chapter 2005-280, L.O.F., by removing language relating to the collection and remission of the surcharge by surplus lines companies and surplus lines agents. The surcharges on surplus lines policies and independently procured policies will be remitted to the Florida Surplus Lines Office for policies issued on or after January 1, 2006.

The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax and update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the proposed provisions necessary to facilitate the transfer of certified capital company (CAPCO) credits; (2) the proposed removal of language relating to the collection and remission of the surcharge by surplus lines companies and surplus lines agents; and (3) the proposed adoption of changes to forms used by the Department in the administration of the corporate income tax and franchise tax.

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS., Ch. 93-128, L.O.F.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 288.99(11), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS., Ch. 93-128, L.O.F.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) through (2) No change.

(3) Credits Against the Tax.

(a) through (d) No change.

(e) Certified Capital Company (CAPCO) Credit.

1. Who May Claim the Credit. Any certified investor who made an investment of certified capital in a CAPCO and earned a CAPCO credit under Section 288.99, F.S., is entitled to use no more than 10 percent of the CAPCO credit, including any carryover CAPCO credits, per year beginning with the insurance premium tax (IPT) return for calendar year 2000.

2. Carryovers of CAPCO Credit. Any CAPCO credits not used by a certified investor in any single year may be carried forward and applied against the premium tax liabilities of such investor for subsequent calendar years. The IPT return for calendar year 2010 is the first return on which a certified investor or a transferee of a certified investor's unused CAPCO credit may use carryover CAPCO credits.

3. Transfer/Sale of CAPCO Credit. Effective May 26, 2005, CAPCO credits may be sold. A transfer or sale of a CAPCO credit will not affect the time schedule for taking the

CAPCO credit. The claim of a transferee of a certified investor's unused CAPCO credit is permitted in the same manner and subject to the same provisions and limitations as the original certified investor. Transfers or sales of a current year CAPCO credit (the amount of CAPCO credit available to be claimed in the current tax year), future year CAPCO credits (the amount of CAPCO credit available to be claimed in future years – excluding carryover CAPCO credits), and CAPCO credit carryovers (the amount of CAPCO credit carried over from prior years where the current year CAPCO credit at that time was not fully used) are allowed.

a.(I) When current year CAPCO credits, future year CAPCO credits or carryover CAPCO credits are transferred in whole or in part, written notification of such action must be provided to the Department of Revenue, Return Reconciliation Process, Insurance Premium Tax, 5050 W. Tennessee St., Bldg. F-3, Tallahassee, FL 32399-0100. This notification must be made at the earlier of within 30 days of such action, or within 30 days of when such IPT return on which such CAPCO credits could initially be claimed is due. The notification is required to contain the name and federal identification number of the original CAPCO investor, the name and federal identification number of the seller (if different from the original CAPCO investor), the name and federal identification number of the purchaser, the amount and type of CAPCO credit being transferred/sold, and a schedule tracking the amount of CAPCO credit granted the original investor and the use of such CAPCO credit through the date of transfer/sale.

(II) Transfer/sale of Future Year and Carryover CAPCO Credit Example. Insurer Z made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer Z may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In 2000, 2001, 2002, 2003, and 2004, Insurer Z used CAPCO credits of \$100,000, \$100,000, \$100,000, \$75,000, and \$30,000, respectively. Insurer Z did not transfer any of its 2000, 2001, 2002, 2003, or 2004 current year CAPCO credits, as it had no affiliates. Insurer Z had a carryover CAPCO credit of \$95,000 (\$25,000 from 2003 and \$70,000 from 2004), which could be used by Insurer Z on its 2010 IPT return. On December 1, 2005, Insurer Z sells all of its remaining CAPCO credits and carryover credits, including its 2005 current year CAPCO credit, to Insurer M. By the earlier of December 31, 2005, or March 1, 2006, Insurer Z sent a letter to the Department of Revenue stating that it sold all of its CAPCO credits to Insurer M. The letter included the federal identification numbers of Insurer Z and Insurer M. The letter also included a breakdown of how insurer Z used its CAPCO credits from 2000 to 2004 (\$405,000 of CAPCO credits used by Insurer Z – \$100,000 used on its 2000 IPT year, \$100,000 used on its 2001 IPT year, \$100,000 used on its 2002 IPT year, \$75,000 used on its 2003 IPT year, and \$30,000 used on its 2004 IPT year) and a recap of

the amount of CAPCO credits sold (CAPCO credits of \$100,000 per year for IPT years 2005 through 2009 and a \$95,000 CAPCO credit carryover available for the 2010 IPT year for a total of \$595,000). Insurer M started claiming CAPCO credits beginning with its 2005 IPT return. Insurer M will include a statement with each of its IPT returns on which it is claiming a CAPCO credit that it purchased its CAPCO credit from Insurer Z on December 1, 2005.

b.(I) Instead of fulfilling the requirements of sub-subparagraph a., when a certified investor transfers in whole or in part current year CAPCO credits to an affiliate of the certified investor, the certified investor and the affiliate(s) to whom the current year CAPCO credit transfer was made are required to prepare a schedule reconciling how the certified investor's current year CAPCO credit was utilized and attached a copy of that schedule to the current year IPT returns of the certified investor and affiliate(s) to whom an allocation of current year CAPCO credit was made. The schedule must include the name, federal identification number, and amount of CAPCO credit claimed by each entity. In addition, the certified investor must attach a copy of the certification letter it received from the certified capital investment company to its IPT return.

(II) Transfer of Current Year CAPCO Credit Example. Insurer A made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer A may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In the 2005 IPT year, Insurer A transferred \$20,000 of its \$100,000 current year CAPCO credit to its subsidiary, Insurer B. On their 2005 IPT returns, Insurer A claimed a CAPCO credit of \$80,000 and Insurer B claimed a CAPCO credit of \$20,000. Both insurers attached a schedule reconciling the use of Insurer A's \$100,000 current year CAPCO credit. The reconciliation schedule included Insurer A's and Insurer B's names, federal identification numbers, and the amount of CAPCO credit claimed by each insurer. In addition, Insurer A attached a copy of its CAPCO credit certification letter to its 2005 IPT return.

4. Recordkeeping Requirements. Every certified investor and transferee claiming a CAPCO credit must retain a copy of the certification letter received from the certified capital investment company and a schedule reconciling all credit carryovers, transfers, and sales for as long as the contents are material for administrative purposes. The retention of records is generally controlled by Section 213.35, F.S., which requires records to be kept until the expiration of time for the Department of Revenue to make an assessment under Section 95.091(3), F.S.

(4) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 288.99(11), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01, 8-1-02.

12B-8.0012 Insurance Policy Surcharge; Rate and Computation.

(1) Every insurer, ~~including surplus lines and surplus lines agents,~~ must collect a surcharge of \$2 and \$4 from the policyholders of certain types of property insurance issued or renewed on or after May 1, 1993. The proceeds will be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund.

(2) through (7) No change.

~~(8) The surcharge on surplus lines policies must be remitted by the surplus lines agents, unless the surplus lines insurer collects and remits the surcharge, and must be remitted on Form DR-907 and Form DR-908. The surcharge is required to be remitted by the surplus lines agent for only the surplus lines policies. The authorized insurer is required to collect and remit the surcharge for all other policies. The \$250 quarterly and annual filing fees do not apply to either the surplus lines agent or the surplus lines insurer.~~

~~(9) The insurance premium tax on surplus lines will continue to be remitted to the Department of Insurance as required.~~

(10) through (11) renumbered (8) through (9) No change.

~~(10)(12) The first installment on the surcharge was due June 15, 1993, for May and June with the subsequent installment due on October 15 for the calendar quarter ending September 30. A separate line denoting the surcharge is provided on the revised Form DR-907 and the revised Form DR-908, annual return, which is due by March 1.~~

(13) through (16) renumbered (11) through (14) No change.

Specific Authority 213.06(1) FS., Ch. 93-128, L.O.F. Law Implemented 624.5092 FS., Ch. 93-128, L.O.F. History—New 6-16-94, Amended _____.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one ~~(4)~~ or more of the following methods: 1) downloading the form 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) 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.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/06 01/05</u>)	___ <u>06/05</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. <u>01/06 01/05</u>)	___ <u>06/05</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <u>2005 2004</u> (R. <u>01/06 01/05</u>)	___ <u>06/05</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <u>01/06 01/05</u>)	___ <u>06/05</u>
(7) DR-350900	<u>2005 2004</u> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <u>01/06 01/05</u>)	___ <u>06/05</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80. Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05,_____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES: RULE NOS.:
 Enterprise Zone Program 12C-1.0188
 Forms 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program), is to implement the changes to the corporate income tax enterprise zone jobs credit provided in Sections 23, 25, and 30, Chapter 2005-287, L.O.F.

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

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the proposed amendments necessary to implement the statutory changes to the corporate income tax

enterprise zone jobs credit; and (2) the proposed adoption of changes to forms used by the Department in the administration of the corporate income tax and franchise tax.

SPECIFIC AUTHORITY: 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 290.0055, 290.0065, 290.009(1) FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.0188 Enterprise Zone Program.

(1) Corporate Income Tax – Enterprise Zone Jobs Credit.

(a) How to Claim the Credit. Subsection 220.181(2), F.S., requires that an application, which includes the information stated in that subsection, be filed with the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

~~(b)1. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or before October 1, 2001, must use Form F-1157Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1157Z requires the signature of an officer, under oath, duly authorized to sign. The F-1157Z must be certified by the~~

~~Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.~~

~~1.2. Forms Required.~~ Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or after January 1, 2006 ~~October 1, 2004~~, must use Form F-1156Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax-Effective January 1, 2006 ~~2002~~ (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1156Z requires the signature of an officer, under oath, duly authorized to sign. The F-1156Z must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.

~~2.3.~~ A copy of the certified ~~F-1157 and~~ F-1156Z must be forwarded to the Florida Department of Revenue, General Tax Administration, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, by the Enterprise Zone Development Agency.

(2) through (3) No change.

(4) The forms referenced in this rule section are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; 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 hours at (800)352 3671 (in Florida only) or (850)488 6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. These forms may also be obtained from the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

(5) Questions relating to enterprise zones created on January 1, 2006 ~~July 1, 1995~~, should be directed to:

Executive Office of the Governor
Office of Tourism, Trade, and Economic Development
The Capitol
Tallahassee, Florida 32399-0001

Specific Authority 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS. Law Implemented 213.05, 213.35, 220.03(1), 220.131, 220.181, 220.182, 220.183, 220.44, 290.0055, 290.0065, 290.009(1) FS. History--New 1-3-96, Amended 8-1-02,_____.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of this form may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; 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
(2) No change.		
(3) F-851	Corporate Income/ Franchise and Emergency Excise Tax Affiliation Schedule (R. <u>01/06</u> 01/04)	___ <u>08/02</u>
(4)(a) F-1065	Florida Partnership Information Return (R. <u>01/06</u> 01/05)	___ <u>06/05</u>
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>01/06</u> 01/05)	___ <u>06/05</u>
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>01/06</u> 01/05)	___ <u>06/05</u>
(6)(a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <u>01/06</u> 01/05)	___ <u>06/05</u>
(b) F-1120N	F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <u>2005</u> 2004 (R. <u>01/06</u> 01/05)	___ <u>06/05</u>

- (7) F-1120ES Declaration/Installment of Florida Estimated Income/
Franchise and/or Emergency
Excise Tax for Taxable
Year Beginning on or
after January 1, ~~2006~~ 2005
(R. ~~01/06~~ 01/05) _____ 06/05
- (8)(a) F-1120X Amended Florida Corporate
Income/Franchise and
Emergency Excise Tax
Return (R. ~~01/06~~ 01/04) _____ 09/04
- (b) F-1120XN Instructions for Preparing
Form F-1120X Amended
Florida Corporate Income/
Franchise and Emergency
Excise Tax Return
(R. ~~01/06~~ 01/04) _____ 09/04
- (9) F-1122 Authorization and Consent
of Subsidiary Corporation
to be Included in a
Consolidated Income and
Emergency Excise
Tax Return (R. ~~01/06~~
~~01/01~~) _____ 08/02
- (10)(a) F-1156Z Florida Enterprise Zone
Jobs Credit Certificate of
Eligibility for Corporate
Income Tax – Effective
January 1, ~~2006~~ 2002
(R. ~~01/06~~ ~~N-01/02~~) _____ 08/02
- (b) F-1156ZN Instructions for Completing
Form F-1156Z Florida
Enterprise Zone Jobs
Credit Certificate of
Eligibility for Corporate
Income Tax – Effective
January 1, 2006 2002
(R. 01/06 01/03) _____ 06/03
- ~~(11) F-1157Z Florida Enterprise Zone
Jobs Credit Certificate of
Eligibility for Corporate
Income Tax (R. 01/03) 06/01~~
- (12) through (16) renumbered (11) through (15) No
change.
- ~~(16)(17) F-7004~~ Florida Tentative Income/
Franchise and/or Emergency
Excise Tax Return and
Application for Extension
of Time to File Return
(R. ~~01/06~~ 01/05) _____ 06/05

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: PUBLIC USE FORMS
RULE NO.: 12C-2.0115

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to the forms used by the Department in the administration of the intangible personal property tax; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the forms used by the Department in the administration of the intangible personal property tax.

SPECIFIC AUTHORITY: 199.202(2), 213.06(1) FS.
LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours 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 WORKSHOP IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's 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) 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
(2) DR-601-C	<u>2006 2005</u> Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2006 2005</u> (R. <u>01/06 01/05</u>)	___ 06/05
(3) DR-601CN	<u>2006 2005</u> Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/06 01/05</u>)	___ 06/05
(4) DR-601CS	<u>2006 2005</u> Schedules B, C, D, and E for use with DR-601C (R. <u>01/06 01/05</u>)	___ 06/05
(5) DR-601-G	Government Leasehold Intangible Personal Property Tax Return for <u>2006 2005</u> Tax Year (R. <u>01/06 01/05</u>)	___ 06/05
(6) DR-601-I	<u>2006 2005</u> Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, <u>2006 2005</u> (R. <u>01/06 01/05</u>)	___ 06/05

(7) DR-601IN	<u>2006 2005</u> Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. <u>01/06 01/05</u>)	___ 06/05
(8) DR-601IS	<u>2006 2005</u> Schedules B, C, D, and E for use with DR-601I (R. <u>01/06 01/05</u>)	___ 06/05
(9) through (11)	No change.	
(12) DR-350617	Application for Exclusion from Filing Stockbroker Position Statement (R. <u>01/06 01/05</u>)	___ 06/05
(13) DR-350618	Stockbroker Instructions and Specifications for Reporting Information on Magnetic Media for Year Ending <u>12/31/05 12/31/04</u> (R. <u>01/06 01/05</u>)	___ 06/05
(14) DR-350619	Stockbroker Filing Magnetic Media Transmittal (R. <u>01/06 01/05</u>)	___ 06/05
(15) DR-350620	Stockbroker Information Report (R. <u>01/06 01/05</u>)	___ 06/05

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Public Use Forms **RULE NO.:** 12C-3.008
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the Florida estate tax and to update information on how to obtain forms from the Department.
SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the adoption of changes to forms used by the Department in the administration of the Florida estate tax.
SPECIFIC AUTHORITY: 198.08, 213.06(1) FS.
LAW IMPLEMENTED: 198.08 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 10:00 a.m., November 30, 2005

PLACE: Room 118, Carlton Building, 501 S. 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 WORKSHOP IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading these 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) 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 Department's Internet site stated in 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-301	Preliminary Notice and Report (R. <u>07/05 09/04</u>)	___ 05/03
(3) DR-308	Request and Certificate for Waiver and Release of Florida Estate Tax Lien (R. <u>07/05 09/04</u>)	___ 05/03
(4) No change.		

(5) DR-312 Affidavit of No Florida Estate Tax Due ~~(for decedents dying on or after January 1, 2000)~~ (R. 07/05 08/02) ___ 05/03

(6) F-706 Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. 07/05 04/03) ___ 05/03

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.08 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
 RULE CHAPTER NO.: 14-40

RULE TITLES: Highway Landscape Projects 14-40.003
 Grant Application Process 14-40.020
 Application and Permit Issuance 14-40.030

PURPOSE AND EFFECT: The amendment is to clarify language in paragraph 14-40.003(3)(b), F.A.C., that the prohibition against planting and landscape projects that will screen an outdoor advertising sign applies to certain signs that are exempt from the Department's permitting requirements. Also, the language regarding how to obtain required forms identified within the rule chapter is made consistent throughout the rules, and one of the forms is updated.

SUBJECT AREA TO BE ADDRESSED: The amendment revises paragraph 14-40.003(3)(b), F.A.C., regarding prohibiting plantings that screen outdoor advertising signs. Forms are made available at all Department offices or on the website, and one of the forms is updated.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I GENERAL PROVISIONS

14-40.003 Highway Landscape Projects.

(1) through (3)(a)7. No change.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, Florida Statutes. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

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

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 01/06 02/02, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(3)(f) through (6)(b) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History--New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05,_____.

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Application Process.

(1)(a) through (e) No change

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department ~~District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information~~

~~Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or on through the Department website at http://www.dot.state.fl.us/emo.~~

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

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03,_____.

PART III VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING SIGNS

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 07/97, which is incorporated herein by reference, pursuant to this rule chapter. For purposes of this rule, the application of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, the Application for Vegetation Management at Outdoor Advertising Sign may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. This rule does not apply to requests to trim or remove vegetation that screens on-premise signs.

(b) through (4) No change.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(25), 335.167, 337.405, 479.106 FS. History--New 1-19-99, Amended 2-7-02,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT	14-75
RULE TITLES:	RULE NOS.:
Consultant Qualification Process	14-75.0022
Minimum Qualification Standards by Type of Work	14-75.003
Consultant Competitive Selection Process	14-75.004

Suspension or Revocation of Qualification 14-75.0051
 Professional Consultant Work Performance
 Evaluation System 14-75.0052

PURPOSE AND EFFECT: This is a substantial amendment of Rule Chapter 14-75, F.A.C. Amendments to Rule Chapter 14-75, F.A.C., include clarification of audit report requirements, amendments to the types of work, clarification of the definitions and experience requirements for each, and revising the work performance evaluation of consultants.

SUBJECT AREA TO BE ADDRESSED: This is a substantial amendment of Rule Chapter 14-75, F.A.C.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105, 837.06 FS.

LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-75.0022 Consultant Qualification Process.

(1) This rule chapter establishes minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the Department pursuant to Sections 287.055, 337.107, and 337.1075, Florida Statutes.

(2) The provisions of Rule 28-106.103, F.A.C., will be used in computing any period of time prescribed by this rule chapter.

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 03/04, incorporated herein by reference, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at <http://www.dot.state.fl.us/procurement/>.

(b) Professional Consultants who are not qualified at the time of advertisement for a consultant project must file with the Department a completed Request for Qualification Package for Professional Consultants on or before the project's advertised letter of response date. The Department is not

obligated to delay any part of the consultant selection process or the execution of a contract, for a consultant who has not been qualified.

(c) The Request for Qualification Package for Professional Consultants will include the following items:

1. An audit report prepared by an independent Certified Public Accountant or governmental agency. The audit report should be received by the Department within six months of the end of the fiscal year it addresses, will be no more than twelve months old on the date of submission and will include the following:

a. A statement indicating the existence of an adequate accounting system that meets the Department's audit requirements, as evidenced by certification by an independent Certified Public Accountant or governmental agency. The system must be adequate to support all billings made to the Department and other clients. ~~A b. An overhead~~ statement indicating the direct labor costs incurred, listing(s) allocable indirect costs, and listing(s) other direct costs incurred and overhead rate for the most recently completed fiscal year.

b. A statement of reimbursement rates for indirect costs (overhead), direct expenses, and Facilities Capital Cost of Money (FCCM) for the most recently completed fiscal year.

c. A statement that the consultant's method of estimating costs for proposals is consistent with the accounting system.

d. A statement that the audit was performed in accordance with generally accepted governmental auditing standards, the Department's Reimbursement Rate Overhead Audit Guidelines, 2005, November 2002, and the Government Auditing Standards, 2003, Revision Revised July 1999 through Amendment No. 2, 8/18/99, published by the U.S. Government Printing Office, which are hereby incorporated by reference.

2. Consultants who have been operating for less than one complete fiscal year, consultants who have reorganized to the extent that the most recent reimbursement rate overhead audit does not reflect a currently valid reimbursement overhead rates, and consultants who have established and operated an accounting system in accordance with the minimum standards provided in the Department's Reimbursement Rate Overhead Audit Guidelines, 2005 2002, for a period of less than one year, will prepare a projected overhead direct expense, and FCCM rates which will be supported by estimated revenues and expenditures for the first fiscal year's operations since organization, reorganization, or implementation of the acceptable accounting system. The Department's Office of Inspector General shall review the estimate and establish a provisional reimbursement combined overhead rates, which may be used in Department contracts until the consultant has completed its first fiscal year of operation, at which time the consultant shall submit an annual reimbursement rate overhead audit performed by an independent Certified Public Accountant or governmental agency.

3. Consultants requesting qualification for minor projects only, with contract fees under \$250,000, or consultants qualifying solely for contracting under Group 20, Appraisal Services, or Group 22, Acquisition Business Damage Estimating and Estimate Review, in any dollar amount, are not required to submit a reimbursement rate audit. They as certified public accountants, may submit a self-certified overhead report and statement describing their accounting system, certified by a principal, in lieu of an audit report and accounting system certification prepared by an independent Certified Public Accountant or governmental agency. Such report will be in the format specified in the Department's Reimbursement Rate Overhead Audit Guidelines, 2005 2002.

4. Proof of professional liability insurance by one of the following methods:

a. Submittal of a current certificate of professional liability insurance from a company or companies authorized to do business in Florida; or an unequivocal commitment letter from such an insurance company stating that professional liability insurance would be provided to the applicant; or

b. Submittal of a commitment letter from a financial institution meeting the requirements of Section 337.106, Florida Statutes, stating that a nonassignable and nontransferable irrevocable letter of credit, established pursuant to Chapter 675 and Section 337.106, Florida Statutes, and Rule Chapter 14-116, F.A.C., can be provided to the applicant in a minimum amount of \$250,000.

(4) Procedure.

(a) Within 30 days after receipt of a completed Request for Qualification Package for Professional Consultants, the Department shall examine the application and notify the applicant in writing of any apparent errors or omissions, and request any additional information required by the Department to properly evaluate the application. The applicant shall submit any requested information to the Department within 30 days of receipt of the Department's request for such information. The Department shall process the application within 30 days after receipt of the requested additional information or correction of apparent errors or omissions. If the information is not provided within 30 days after receipt of the request, the application shall be processed with the information provided.

(b) Upon receipt of a complete application the Department shall make such inquiries and investigations as deemed necessary to verify and evaluate the applicant's statements and determine competency for qualification.

(c) Information which the Department shall consider in determining whether a consultant is qualified to perform the types of work shall include:

1. Current license or registration as regulated by the State of Florida or national organizations, as appropriate.

2. Personnel with appropriate experience and training as detailed in the type of work qualifications.

3. Registration with the Florida Department of State, if the applicant is a corporation or limited partnership.

4. ~~Past performance on Department contracts. History of suspension for failure to maintain adequate type of work performance grades with the Department in specified types of work.~~

5. Integrity and responsibility, which shall include history of debarment or suspension from consideration for work with any other governmental entity.

6. History of conviction for contract crime pursuant to Section 337.165, Florida Statutes, and Rule 14-75.0071, F.A.C., by the applicant or its affiliate, including reapplication or reinstatement.

7. Employment of, or otherwise providing compensation to, any employee or officer of the Department.

8. Willfully offering an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment.

9. The acceptability of the supporting reimbursement rate overhead, accounting system, and insurance information.

(d) Audit reports are subject to review by the Department. The consultant will provide additional information and documentation upon request by the Department.

~~(e)(4)~~ If the Department intends to deny the application, or deny qualification for any type of work, the Department shall state in writing and with particularity the grounds or reasons for the denial, and shall inform the applicant of the right to a hearing pursuant to Section 120.57, Florida Statutes. Delivery of the Notice of Intent to Deny shall be made by certified mail, return receipt, to the address listed in the applicant's application for qualification.

(5) Period of Validity of Qualification. The period of qualification will be no more than one year and will expire annually six months after the end of the consultant's fiscal year. Application for renewal must be received by the Department no later than five months after the end of such fiscal year. Should the applicant be found to possess the prescribed qualification, the consultant will be randomly assigned a qualification expiration date, by which qualification must be renewed annually.

(6) Changes in Qualification Status.

(a) A consultant shall submit a revised application in the event a change in the status of its firm occurs, including a change of ownership, a change in the form of the business entity under which the firm operates, a ~~substantial~~ change in any of the staff used to qualify manpower which affects the firm's qualifications to perform any type of work, or any other change which affects an element the Department considers under Rule 14-75.0022, F.A.C., when initially qualifying consultants. A revised application may be the basis for notice of agency action under Rule 14-75.0051, F.A.C.

(b) A consultant need not submit a revised application solely because of any change in the officers or the name of a corporation, but such information shall be certified to the Department within ten days of its occurrence.

(7) A consultant may apply for qualification up to three months prior to the expiration of an existing qualification.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, 4-29-03, 6-15-04,_____.

14-75.003 Minimum Technical Qualification Standards by Type of Work.

~~In the Request for Qualification Package, the consultant will certify the standard types of work for which the consultant meets the minimum qualification requirements as stated in this section.~~ The Department will periodically audit a sampling of qualified consultants to ensure compliance with the qualification requirements, and consultants found to misrepresent their qualifications will be subject to suspension of qualifications with the Department in accordance with Rule 14-75.0051, F.A.C. The following criteria apply to the qualification of professional consultants:

(1) No professional or key personnel may be listed as employees of more than one consultant currently qualified with the Department. If a newly listed employee has been employed by a consultant currently qualified with the Department, within the 12 months immediately preceding the application, the application must so indicate and provide the date that such employee was hired by the consultant. The employee shall be deleted from the personnel list of the previous employer's firm, and if such deletion affects the qualification status of the previous employer, notice shall be given to said previous employer pursuant to Rule 14-75.0051, F.A.C.

(2) The Department shall not recognize joint ventures for purposes of qualifying consultants to work for the Department. Each individual or firm will be annually qualified based upon individual or firm capability.

(3) Appropriate type of work codes will be included in each public notice regarding needed professional services. Persons or firms responding to such notices must be qualified with the Department in the advertised types of work, unless otherwise specified in the notice. Subconsultants qualified with the Department may be used to meet the above requirements, where appropriate, so long as the responding consultant is also qualified with the Department in some standard type of work.

(4) All personnel listed by the consultant in order to qualify for any type of work or sub-category must be bona fide employees of the firm, or under exclusive contract to the firm, must be actively engaged in the type of work for which they are listed, and must have work experience demonstrating an ability to perform the activities normally associated with the particular type of work or sub-category for which qualification

is sought. The Department must be notified within 10 days of the departure from the firm of personnel used to prequalify the firm in any type of work.

(5) Qualification may be sought in any of the following categories or sub-categories:

(a) Group 2. Project Development and Environmental (PD&E) Studies.

1. Type of Work. This work group involves the study and evaluation of the social, economic, and environmental effects on the human and natural environment by transportation systems and alternate transportation modes in meeting identified community transportation and growth needs. Such work also includes the evaluation of alternate transportation corridors, and location/design alternatives within viable corridors. The work involves preparing engineering studies to address economic and engineering feasibility of alternatives, level of service, traffic capacity, geometrics, soils, structures, intersection and interchange improvements, etc., to accommodate travel demand at an acceptable level of service. Additionally, the work entails the detailed study and preparation of environmental reports and documents which evaluate the physical, natural, social, cultural, economic, and human impacts of the alternatives under consideration upon the adjacent community. Public involvement and interagency coordination are integral parts of the assessment process. Potential mitigations that are identified in the studies and public involvement are evaluated and incorporated into the alternatives as appropriate.

2. Qualification Requirements. Group 2: PD&E Studies. This work group requires a professional engineer, a natural scientist, and a social scientist. The professional engineer must be registered with the Florida State Board of Professional Engineers and must have managed and completed at least one PD&E study or similar study, including roadway design and environmental engineering. This experience must include conducting environmental studies for transportation projects involving highway projects and public involvement issues. The natural scientist must have a four-year university or college degree and experience in a natural science such as ecology, biology, environmental science, or wildlife management and have completed at least one PD&E study or similar study in a natural science area such as defined above. The social scientist must have a four-year university or college degree and experience in a social science such as psychology, sociology, statistics, political science, geography, urban planning demographics, archeology, or economics and have completed at least one PD&E study or similar study in a social science area such as defined above.

(b) Group 3. Highway Design – Roadway. This work group involves the production and/or review of highway plans, related design studies, creative utilization of roadsides, and the accommodation of utilities and utility crossings (where

appropriate), which conform with acceptable design standards and which meet the specific requirements of the Department or the Federal Highway Administration.

1. This group includes the following sub-categories of qualification:

a. Type of Work 3.1: Minor Highway Design. This type of work includes roadway design for rural RRR and minor widening and resurfacing projects which do not involve major reconstruction, new curb and gutter, or substantial capacity improvements. This work type also includes interstate projects involving resurfacing only. Projects of this type generally involve minor drainage, utility relocation, traffic operations improvements, miscellaneous design services, etc.

b. Type of Work 3.2: Major Highway Design. This type of work includes roadway design for all urban highways with new curb and gutter and new or major reconstruction rural projects with substantial capacity improvements such as adding two or more lanes. Projects of this type generally include utility relocation plans, drainage design and permitting, maintenance of traffic plans, traffic engineering applications, intersection details, etc.

c. Type of Work 3.3: Controlled Access Highway Design. This type of work includes design of new and complex reconstruction projects on controlled access facilities including interstates, interchanges, and expressways. Projects of this type generally include the use of complex geometrics, substantial drainage evaluation and design features, permitting, traffic engineering applications, utility relocation plans, maintenance of traffic plans, interchange design, etc.

2. Qualification Requirements.

a. Type of Work 3.1: Minor Highway Design. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least one year of post-registration experience in the design and preparation of plans for highways.

b. Types of Work 3.2 and 3.3: Major Highway Design and Controlled Access Highway Design. These types of work require at least two professional engineers, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least two years of post registration experience in the design and preparation of plans for highways, one year of which must be in the category for which qualification is sought.

(c) Group 4. Highway Design – Bridges. This work group involves the production and/or review of competently engineered bridge plans which conform with acceptable design standards and which meet the specific requirements of the Department or the Federal Highway Administration.

1. This group includes the following sub-categories of qualification:

a. Type of Work 4.1: Miscellaneous Structures and Minor Bridge Design. This type of work is subdivided into two categories.

(I) Type of Work 4.1.1: Miscellaneous Structures and Minor Bridge Design. This group is subdivided into two categories:

(II) Type of Work 4.1.2: Minor Bridge Design. This type of work includes the design of conventional, non-complex bridges and the structural design of other highway-related structures such as non-standard concrete box culverts and retaining walls. Generally, this group is limited to designs utilizing conventional foundation types, simple geometry, and having total estimated bridge(s) plan area(s) no greater than 100,000 square feet (sum of the areas of multiple bridges). Typically, this includes design for the construction, rehabilitation, widening, or lengthening of box culverts, retaining walls, cast-in-place or precast prestressed short span slab type bridges, simple span prestressed concrete beam bridges, and simple span I-beam bridges.

b. Type of Work 4.2: Major Bridge Design. This type of work includes the design of structures that cannot be included in Type of Work 4.1 because of deck area, or complex geometry (curvature, skew, or variable width), complexity of design (including bridges with statically indeterminate superstructure components) with spans estimated to be less than 400 ~~300~~ feet, non-conventional substructures, substructures requiring ship impact design, bridges over navigable waters, and railroad bridges. This type of work is subdivided into three categories: Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges over navigable waters, bridges carrying rail traffic, steel box girders, structurally continuous superstructures, longitudinally post-tensioned concrete bridges, and curved girder bridges.

(I) Type of Work 4.2.1: Major Bridge Design – Concrete: This group includes design for construction, rehabilitation, widening, or lengthening of structurally continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 4.2.2: Major Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.)

(III) Type of Work 4.2.3: Major Bridge Design – Segmental: This group includes design for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete segmental superstructures or substructures.

c. Type of Work 4.3: Complex Bridge Design. This type of work includes the structures that cannot be included in Type of Work 4.1 or 4.2 because of design of unique, specialized, and

uncommon types of designs as determined by the Department. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than 400 300 feet, tunnels, cable-stayed bridges, suspension bridges, ~~steel~~ truss spans, concrete arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. This type of work is separated into two categories:

(I) Type of Work 4.3.1: Complex Bridge Design – Concrete: This group includes design for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in this category.

(II) Type of Work 4.3.2: Complex Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of steel superstructures of the types listed in this category.

d. Type of Work 4.4: Movable Span Bridge Design. This type of work includes the design of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges.

2. Qualification Requirements. Qualification will be assessed from the résumés of individuals employed by the firm. The résumés must state which bridge components were actually designed by the individual. General oversight or project management activities will not be considered for qualification purposes.

a. Type of Work 4.1.1: Miscellaneous Structures. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of structural experience, designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design; and two structural design engineers/technicians having a minimum of three years each of design experience, either designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design. The qualifying professional engineer(s) shall be responsible for quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

~~b.~~ Type of Work 4.1.2: Minor Bridge Design. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years structural bridge design experience; and two structural design engineers/technicians having a minimum of three years each of bridge design experience. The professional engineer shall be responsible for quality assurance of all the design services.

~~c.~~ b. Type of Work 4.2.1: Major Bridge Design – Concrete. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete, excluding segmental bridges or qualified as required in Work Group 4.2.3: Major Bridge Design – Segmental with and additional two years of design experience in continuous span concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience. (steel plate girder and box girder), post-tensioned continuous concrete spans, and foundations subject to significant lateral loads; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

d. Type of Work 4.2.2: Major Bridge Design – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span steel bridges as defined in Work Group 4.2.2: Major Bridge Design - Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

e. Type of Work 4.2.3: Major Bridge Design – Segmental. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span segmental concrete (precast or cast-in-place) bridges as defined in Work Group 4.2.3 Major Bridge Design – Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

~~f.~~ e. Type of Work 4.3.1: Complex Bridge Design – Concrete. This type of work requires at least three professional engineers, registered with the Florida State Board of

Professional Engineers, having a minimum of five years each of structural concrete bridge design experience in categories as defined listed in Work Group 4.3.1: Complex Major Bridge Design – Concrete, as well as spans estimated to be greater than 300 feet consisting of steel truss or arch, or steel or concrete cable stayed and suspension type structures; and four or more structural design engineers/technicians having a minimum of three years each of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

g. Type of Work 4.3.2: Complex Bridge Design – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural steel bridge design experience in categories as defined in Work Group 4.3.2: Complex Bridge Design - Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

h. Type of Work 4.4: Movable Span Bridge Design. This type of work requires qualification in type of work 4.2.2: Major Bridge Design – Steel, and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers. In addition to the experience requirements for type of work 4.2 4.2.2: Major Bridge Design – Steel, the professional engineers will have at least five years of movable bridge structural design experience and the three engineers/technicians shall have a minimum of three years of movable bridge design experience. At least one of the professional engineers or engineer/technicians will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and one will have experience in the design of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and experience with the commonly used bridge leaf motion control techniques used within the last 30 years. The mechanical engineer will have experience in the design of at least three movable bridge drive systems within the last 10 years and experience with the commonly used bridge drive systems used within the last 30 years. The qualifying professional engineers shall be responsible for the quality assurance of all the design

services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

(d) Group 5. Bridge Inspection. This work group is defined as the on-site inspection, load rating, and preparation of bridge inspection reports in accordance with approved federal and state statutes, policies, guidelines, and standards. Availability of required equipment will also be considered, along with level of experience in evaluating qualification.

1. This group includes the following sub-categories of qualification:

a. Type of Work 5.1: Conventional Bridge Inspection. This type of work includes inspection and load rating of all types of bridges except movable bridges, box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, large steel trusses, high-rise structures, and other complex bridge structures.

b. Type of Work 5.2: Movable Bridge Inspection. This type of work includes inspection and load rating of all types of movable structures (vertical lift, swing span, and bascule), utilizing specialty skills in inspection, load rating, and design of mechanical and electrical equipment.

c. Type of Work 5.3: Complex Bridge Inspection. This type of work includes inspection and load rating of all complex bridges except movable bridges. Typical types of structures will include box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, high-rise structures, and large steel trusses.

d. Type of Work 5.4: Bridge Load Rating. This type of work involves the process of determining the live load capacity of a structure.

2. Qualification Requirements. Types of work 5.1, 5.2, 5.3, and 5.4: Bridge Inspection. This type of work requires at least one professional engineer registered with the Florida State Board of Professional Engineers, having experience appropriate to the sub-category requested. For types of work 5.1, 5.2, and 5.3, the engineer must have participated in field inspections meeting the requirements of the National Bridge Inspection Standards, Appendix C to U.S. Department of Transportation Federal Highway Administration, *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, Report No. FHWA-A-PD96-001, December 1995, incorporated herein by reference, for the structure types in the sub-category for which qualification is requested. For type of work 5.4, the engineer must have performed a load rating of a bridge.

(e) Group 6. Traffic Engineering and Operations Studies. This work group includes the performance of studies of existing traffic problems within an urban area; and the determination of the most effective way to improve traffic flow and safety through the application of traffic engineering techniques and other corrective measures. It includes street and signal inventories; intersection and crossing diagrams;

highway lighting information at nighttime high accident locations; and analysis of accident reports, traffic counts, travel times, parking practices, and laws and ordinances affecting transportation. This work group is limited to generalized description and schematic layouts of the proposed improvements, including right of way requirements, and generally does not include the preparation of construction plans and the writing of specifications for traffic system projects.

1. This group includes the following sub-categories of qualification:

a. Type of Work 6.1: Traffic Engineering Studies. This type of work is defined as the study of operational problems and the determination of traffic operational improvements for efficiency and safety. This work group includes studies for the following: signing, marking, and signal inventories; traffic counts; intersection and collision diagrams; signal warrant and intersection analysis; and travel time and delay studies. Many of the traffic engineering studies require knowledge and experience with traffic engineering computer programs such as SOAP, PASSER, and TRANSYT. This type of work requires the consultant to make specific recommendations to improve the operational efficiency at a particular location.

b. Type of Work 6.2: Traffic Signal Timing. This type of work is defined as the timing of traffic signals to improve traffic flow and safety. Department approved traffic engineering computerized timing programs shall be used. This type of work includes data collection, intersection analysis and documentation, section analysis and documentation, timing implementation and fine tuning, and timing evaluation.

c. Type of Work 6.3: Intelligent Transportation Systems Analysis, Design, and Implementation. This type of work is defined as the use of electrical engineering, electronics engineering, computer science, and traffic engineering to analyze, design, and implement real-time intelligent transportation systems. This includes system performance and cost analysis, system hardware and software design, development of management plans, system installation and operation, system testing and debugging, system documentation, and the training of operations personnel. This work Type is subdivided into four categories: Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.2: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.3: Intelligent transportation Systems Communications, and Type of Work 6.3.4: Intelligent Transportation Systems Software Development.

2. Qualification Requirements.

a. Type of Work 6.1: Traffic Engineering Studies. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of post-registration traffic studies experience.

b. Type of Work 6.2: Traffic Signal Timing. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated traffic signal timing experience in the application and interpretation of traffic flow and signal timing models.

c. Type of Work 6.3: Intelligent Transportation Systems Analysis, Design, and Implementation. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of post-registration experience in the technical skill area for which qualification is requested. These technical skill areas are as follows:

(I) Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design. This type of work requires experience involving the production of competently engineered design, and preparation of construction plans and specifications for traffic control systems, freeway operations systems, dynamic message sign systems, closed circuit television camera systems, detection systems, and automatic vehicle identification systems. The experience must also involve traffic engineering software applications, freeway control software, and computerized timing programs.

(II) Type of Work 6.3.2: Intelligent Transportation Systems Implementation. This type of work requires experience involving realtime traffic control systems, system installation and testing, and knowledge of Construction Engineering Inspection (CEI) requirements for intelligent transportation construction projects.

(III) Type of Work 6.3.3: Intelligent Transportation Traffic Engineering Systems Communications. This type of work requires documented experience involving electronic engineering of system hardware, digital system design, specifications, and utilization. The experience must involve electrical engineering of power and communications, including power distribution, standby power supply, lightning protection, hardware interconnect, fiber optic networks, wireless communications networks, local area networks, wide area networks, Internet communications, data recording, data transmission, modulating, and multiplexing techniques.

(IV) Type of Work 6.3.4: Intelligent Transportation Systems Software Development. This type of work requires documented experience in software development, specifically with intelligent transportation systems applications, and computer science (realtime process control software systems, including realtime executive Input/Output (I/O) processing and priority interrupt based processing). The experience must also involve system software testing and debugging, data base software, graphical user interfaces, system documentation, and training of operations personnel.

(f) Group 7. Traffic Operations Design. This work group is defined as the production of competently engineered designs, and preparation of construction plans and specifications for a variety of traffic operations type work.

1. This group includes the following sub-categories of qualification:

a. Type of Work 7.1: Signing, Pavement Marking, and Channelization. This type of work includes designing, preparing construction plans, and writing specifications for signing, pavement marking, and channelization. Such work involves structural support and foundation calculations, and requires a basic knowledge of traffic engineering studies.

b. Type of Work 7.2: Lighting. This type of work includes designing, preparing construction plans, and writing specifications for roadway lighting improvements. Such work involves lighting calculations, pole location, foundation design, electrical circuit calculations, and power supply and distribution design, and requires a basic knowledge of traffic engineering studies.

c. Type of Work 7.3: Signalization. This type of work includes designing, preparing construction plans, and writing specifications for traffic signalization. Such work involves capacity calculations, signal operating plan development, timing calculations, equipment location, pole and foundation designs, etc., and requires a basic knowledge of traffic engineering studies and traffic signal retiming.

2. Qualification Requirements. Qualification for this work group requires a professional engineer, registered with the Florida State Board of Professional Engineers, who has served in responsible charge of at least one project in the type of work, as defined above, for which qualification is requested.

(g) Group 8. Surveying and Mapping. This work group includes surveying and mapping, as defined in Rule Chapter 61G17-6, F.A.C., required for the land acquisition, design, and construction of transportation projects.

1. This group includes the following sub-categories of qualification:

a. Type of Work 8.1: Control Surveying. This type of work provides horizontal and vertical control to a specified standard for Department projects.

b. Type of Work 8.2: Design, Right of Way, and Construction Surveying. This type of work includes boundary surveys, right of way surveys, as-built surveys, construction layout surveys, topographic surveys, hydrographic surveys, quantity surveys, record surveys, mean high water line surveys, and special purpose surveys.

c. Type of Work 8.3: Photogrammetric Mapping. This type of work includes surveys and the preparation of maps using photogrammetric methods.

d. Type of Work 8.4: Right of Way Mapping. This type of work includes the production of right of way related maps, as well as the preparation of legal descriptions and sketches of legal descriptions based on information supported by the applicable surveys or maps defined in the preceding types of work, title searches, and other documents.

2. Qualification Requirements: To qualify to perform surveying and mapping services as defined above, the consultant must employ at least one professional surveyor and mapper, registered with the Florida Board of Professional Surveyors and Mappers, having at least one year of documented post registration experience in the specific type of work for which qualification is requested. The consultant must also employ at least two additional technical personnel, each having at least one year of documented experience in the specific type of work for which qualification is requested. In addition, the consultant must submit a written statement of intent to use equipment and software meeting the accuracy, formatting, and other requirements defined in Department policies, procedures, manuals, or handbooks, related to the type(s) of work for which qualification is sought.

(h) Group 9. Soil Exploration, Material Testing, and Foundations.

1. This group includes the following sub-categories of qualification:

a. Type of Work 9.1: Soil Exploration. This type of work includes acquisition and reporting of subsurface material, hydrological, and environmental information to be used for the planning, design, construction, and performance of transportation facilities. The methodology involved includes on-site investigations by performing borings, Standard Penetration tests, Cone Penetration tests, and rock coring; the use of specialized test equipment, such as the field vane, pressuremeter, or dilatometer; and the use of geophysical methods. Also included is the field classification of materials and acquisition of soil and rock samples.

b. Type of Work 9.2: Geotechnical Classification Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of classifying materials. The methodology involved includes testing moisture content, grain size, Atterberg limits, compaction, and Limerock Bearing Ratio (LBR) tests.

c. Type of Work 9.3: Highway Materials Testing. This type of work includes sampling and testing various materials and reporting results and recommendations. Work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, laboratories, and project construction sites; some of which will be outside the State of Florida. Materials to be tested include aggregates; concrete products; cements and additives, including water, epoxies, and curing compounds; bituminous materials, mixtures, additives, and joint fillers; metals; galvanizing, rubber, paints, and other coatings; and soils and limerock.

d. Type of Work 9.4: Foundation Studies. This group is subdivided into two categories:

(I) Type of Work 9.4.1: Standard Foundation Studies: This type of work includes producing reports which include selection of the type (shallow foundations footings, piles, and

redundant drilled shafts, etc.) and depth of foundation for bridges and other structures; bearing capacity and the predicted settlement of the selected foundation; slope stability; surcharge or stage construction time schedules for construction over soft ground; pile load tests; soil treatment; stabilization; and direction of field instrumentation installation, including the interpretation of data obtained and other foundation studies using the applicable Department Standard Specifications for Road and Bridge Construction, and Federal Highway Administration guidelines and checklist.

(II) Type of Work 9.2.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work includes the work activities described in Type of Work 9.4.1: Standard Foundation Studies and, in addition, the complex geotechnical analyses required for the design and construction of non-redundant drilled shaft bridge foundations.

e. Type of Work 9.5: Geotechnical Specialty Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of identifying their physical properties. The methodology involved includes testing permeability, consolidation, unconfined compression, direct shear, splitting tensile, and triaxial.

2. Qualification Requirements. For all sub-categories this work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in the activities normally associated with the category(ies) under consideration.

a. Type of Work 9.1: Soil Exploration. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with soil exploration. The consultant must have equipment (in-house or subcontracted) necessary to perform the work. It should be noted that the qualified consultant shall be solely responsible for any and all explorations work, whether performed by the consultant or its subcontractor.

b. Type of Work 9.2: Geotechnical Classification Lab Testing. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with geotechnical testing. The consultant must have at least one technician with a minimum of two years of experience in geotechnical testing and LBR Technician qualification under the Department's Construction Training Qualification Program. In addition, the consultant must have in-house the following equipment: oven, balance, stirring apparatus, hydrometer bulb, hydrometer bath, thermometer, sieves, sieve shaker, liquid limit device, grooving tool, pycnometer, molds, compaction hammer, straightedge, and LBR loading device with penetration piston.

c. Type of Work 9.3: Highway Materials Testing. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with highway materials testing. Among the consultant's personnel, at least one individual must possess LBR Technician qualification, one individual must possess Asphalt Plant Level I qualification, one individual must possess Concrete Field testing Technician Level I qualification under the Department's Construction Training Qualification Program, and one individual must possess nuclear gauge operator certification as provided by a gauge manufacturer. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, sieves, mechanical shaker, colorimetric kit, compression testing machine, moisture curing room or tanks, slump cone, air meters, gravity apparatus, thermometers, pycnometer, pulverizing apparatus, jaw crusher apparatus, splitter or quartering device, Los Angeles machine, flowmeter, water bath, muffle furnace, compaction hammer, molds LBR loading devices with penetration piston, soak tanks, and ignition furnace.

d. Type of Work 9.4: Foundation Studies.

(I) Type of Work 9.4.1: Standard Foundation Studies. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with standard foundation studies.

(II) Type of Work 9.4.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work requires qualification in Type of Work 9.4.1: Standard Foundation Studies, and, in addition, two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of three years of experience each in activities normally associated with non-redundant drilled shaft foundation design. The qualifying professional engineers shall be responsible for the quality assurance of the design services, and shall sign a letter of certification stating that the project documents have been reviewed under the quality assurance process, and that all issues are resolved.

~~(III)~~ e. Type of Work 9.5: Geotechnical Specialty Lab Testing. The consultant must have at least one staff member with at least four years of experience performing the tests, or an equivalent bachelor's degree. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, permeameter, consolidation load device, load frame, direct shear machine, triaxial panel, and a triaxial cell.

(i) Group 10. ~~CEI Construction Engineering Inspection.~~ This type of work group involves the monitoring and inspection of the work required under various construction contracts. This type of work includes coordinating with other public agencies, utilities, and affected property owners.

1. This group includes the following subcategories of qualification:

a. Type of Work 10.1: Roadway ~~CEI Construction Engineering Inspection~~. This type of work includes the administration and inspection of single or multiple construction contracts on rural, municipal, urban, and interstate facilities; including necessary minor bridges as defined in Type of Work 3.1.

b. Type of Work 10.2: ~~Reserved. Major Bridge Construction Engineering Inspection~~. This type of work includes the administration and inspection of single or multiple construction contracts involving the construction of major bridges as defined in Types of Work 4.2, 4.3, and 4.4.

c. Type of Work 10.3: Construction Materials Inspection. This type of work includes conducting inspections and investigations of various highway materials or products, together with the proper recording, analysis, and reporting of results and recommendations. The work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, and project construction sites; some of which will be outside the State of Florida.

d. Type of Work 10.4: Major Bridge CEI. This type of work includes the CEI of conventional non-standard concrete box culverts, retaining walls, sound barriers, structural supports for highway signs, luminaries, and traffic signals. Generally, this group of structures is limited to conventional foundation types, simple geometry, and having total estimated bridge(s) plan area(s) no greater than 100,000 square feet (sum of the areas of multiple bridges). Typically, this includes the construction, rehabilitation, widening, or lengthening of box culverts, retaining walls, cast-in-place or precast prestressed short span slab type bridges, simple span prestressed concrete beam bridges, and simple span I-beam bridges.

e. Type of Work 10.5: Major Bridge CEI. This type of work includes CEI of structures that cannot be included in Type of Work 10.4 because of deck area, complex geometry (curvature, skew, or variable width), complex design (including bridges with statically indeterminate superstructure components) with spans estimated to be less than 400 feet, non-conventional substructures, bridges over navigable waters, and railroad bridges. This group is separated into three categories:

(I) Type of Work 10.5.1: Major Bridge CEI – Concrete. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 10.5.2: Major Bridge CEI – Steel. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.).

(III) Type of Work 10.5.3: Major Bridge CEI – Segmental. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete post-tensioned segmental superstructures or substructures.

f. Type of Work 10.6: Movable Span Bridge CEI: This type of work includes the CEI of structures that cannot be included in Type of Work 10.5.1 or 10.5.2 because of unique, specialized, or uncommon types of designs. Typically, this includes the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than 400 feet, tunnels, cable-stayed bridges, suspension bridges, truss spans, arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. This group is separated into two categories:

(I) Type of Work 10.6.1: Complex Bridge CEI – Concrete: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in Type of Work 10.6.

(II) Type of Work 10.6.2: Complex Bridge CEI – Steel: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of steel superstructures of the structure types listed in Type of Work 10.6.

g. Type of Work 10.7: Movable Span Bridge CEI: This type of work includes the CEI of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes CEI for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges.

2. Qualification Requirements.

a. Type of Work 10.1: Roadway ~~CEI Construction Engineering Inspection~~. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of responsible charge experience as a project engineer on a roadway construction inspection project.

b. Type of Work 10.2: ~~Reserved. Major Bridge Construction Engineering Inspection~~. This type of work requires a minimum of three professional engineers, registered with the Florida State Board of Professional Engineers. One of these engineers must have at least five years of demonstrated major bridge construction inspection experience.

c. Type of Work 10.3: Construction Materials Inspection. This type of work requires a minimum of one professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of responsible experience in bridge or roadway construction inspection.

d. Type of Work 10.4: Minor Bridge and Miscellaneous Structures CEI. This type of work requires at least one professional engineer, registered with the Florida State Board

of Professional Engineers, having a minimum of five years experience in the performance of CEI for Type of Work 10.4; and two engineers/project administrators having a minimum of three years each CEI for Type of Work 10.4.

e. Type of Work 10.5.1: Major Bridge CEI – Concrete. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.1 in continuous span concrete bridges as defined in Type of Work 10.5.1, excluding segmental bridges, or qualified as required in work group 10.5.3 with one additional year of CEI experience in continuous span concrete bridges as defined in Type of Work 10.5.1, three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

e. Type of Work 10.5.2: Major Bridge CEI – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.2 in continuous span steel bridges as defined for Type of Work 10.5.2 above and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

f. Type of Work 10.5.3: Major Bridge CEI – Segmental. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.3 in continuous span post-tensioned segmental concrete (precast or cast-in-place) bridges as defined for Type of Work 10.5.3 and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.3.

g. Type of Work 10.6.1: Complex Bridge CEI – Concrete. This type of work requires at least three professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years experience each in the performance of CEI for Type of Work 10.6.1 in categories as defined in Type of Work 10.6.1 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.1.

h. Type of Work 10.6.2: Complex Bridge CEI – Steel. This type of work requires at least three professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years experience each in the performance of CEI for Type of Work 10.6.2 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.6.2.

i. Type of Work 10.7: Movable Span Bridge CEI. This type of work requires qualification in Type of Work 10.5.2 and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional

Engineers. In addition to the experience requirements for Type of Work 10.5.2, the professional engineers will have at least five years of experience in the performance of CEI for Type of Work 10.7 and three engineers/technicians shall have a minimum of three years of movable bridge experience in the performance of CEI for Type of Work 10.7. At least one of the professional engineers or engineer/technicians will have experience in CEI of at least three movable bridges electrical control systems within the last 10 years and one will have experience in CEI of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in CEI of at least three movable bridge electrical control systems within the last 10 years and experience with the commonly used bridge leaf motion control techniques used within the last 30 years. The mechanical engineer will have experience in CEI of at least three movable bridge drive systems within the last 10 years and experience with the bridge drive systems commonly used within the last 30 years.

(j) Group 11. Engineering Contract Administration and Management.

1. Type of Work: Engineering Contract Administration and Management. This type of work is defined as the administration and management of engineering activities. Consultants applying for qualification in this type of work must be determined qualified in a number of categories under this rule chapter. Examples of assignments made to a consultant qualified for this type of work are:

a. Engineering analysis of transportation facility deficiencies; and the preparation of an engineering scope of services and staff hour estimate to correct those deficiencies.

b. Project schedule development for planning, environmental, design, and construction engineering inspection activities.

c. Review and analysis of professional engineering issues contained in statements of qualification and technical proposals submitted by consultants competing for professional contracts.

d. Conduct Scope of Service meetings with professional consultants.

e. Preparation of contractual agreements for professional services in accordance with Department policies and procedures.

f. Supervision and management of engineering consultants on individual projects, responding to their technical questions, and reviewing their work in progress and completed work.

g. Representing the Department during professional service negotiations with consultants, utilities, and other entities.

h. Other professional engineering activities associated with the acquisition and management of professional consulting services.

2. Qualification Requirements. Engineering Contract Administration and Management. To be determined qualified for this type of work, a consultant must be qualified by the Department in the following Groups and Types of Work under this rule chapter: Group 3, Types of Work 4.1.1, 4.1.2, 4.2.1, 4.2.2 ~~4.1, 4.2~~, and 6.1, Group 7, and Type of Work 10.1. Firms deemed qualified in these groups and requesting qualification for Group 11 will be deemed qualified without a requirement to submit additional qualification documentation or materials.

(k) Group 13. Planning. This type of work ~~group~~ involves the determination of future actions necessary to address the need for transportation facilities and services. The work effort may involve planning both short range (up to 10 years) and long range (more than 10 years) time periods, and may involve any or all typical activities of planning, including development and refinement of processes and procedures; development and analysis of policies, goals, and objectives; data collection and analysis; issue analysis; development and use of forecasting and other models; analysis of transportation/land use relationships; assessing the impact that planning transportation improvements may have on private property; establishment of standards and performance criteria; forecasts of transportation and transportation related data; determination and analysis of alternatives; multimodal/intermodal tradeoff analysis; analysis of alternatives; multimodal/intermodal tradeoff analysis; development of recommended plans and courses of action; financial feasibility; assessment of the impacts of growth management requirements on transportation; and public participation and coordination with other planning processes and plans.

1. This group includes the following sub-categories of qualification:

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work involves transportation and transportation related planning activities in the broadest or most general way. Planning in this sub-category usually occurs at levels where difficult trade-offs in the use and allocation of resources must be made and where many people will be affected in important but often subtle ways. Hence, the ability to use judgement, both political and technical/professional, is very important, as is the ability to effectively communicate using a variety of media. Included in this sub-category are development and refinement of statewide transportation plans or plan components, and activities involving the determination of the impacts and implications of policies, legislative issues, processes, and standards on a wide variety of subjects, including: transportation facilities and services; land use; the environment; the private sector; and the public.

d. Type of Work 13.4: Systems Planning. This type of work deals with planning for entire systems (one or several modes) of transportation covering an entire geographic area

such as the development of long range transportation plans for an MPO, county, or region; or the development of an ITS Strategic Plan for a region. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities include: data collection and analysis, including analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies; impact analysis; evaluation and decision making; cost analysis and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

e. Type of Work 13.5: Subarea/Corridor Planning. This type of work deals with planning for entire systems or portions of systems (one or several modes) of transportation covering a smaller geographic area than Systems Planning or for a specific transportation corridor. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities, usually performed at a more detailed level than with systems planning, include data collection and analysis, as well as: analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies to maximize the operation of the corridor; impact analysis; evaluation and decision making; cost analysis; and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

f. Type of Work 13.6: Land Planning/Engineering. This type of work involves planning and engineering in support of assessing the impacts that proposed transportation improvements may have on private property. Included in this sub-category are activities involving site analysis for compliance with comprehensive plans, local ordinances, and appraisers' cost to cure; reviewing and providing engineering opinions of site plans for feasibility and conformance with applicable codes and regulations; assessing the impact to drainage and environment; and preparing site plan and studies which may encompass parking layout, vehicle use areas, and general site consideration in conformance with applicable codes, laws, and regulations.

g. Type of Work 13.7: Transportation Statistics. This type of work involves data collection, analysis, editing, processing, and reporting to support planning, design, and maintenance of the transportation network. This type of work also involves the construction, replacement, or repair of traffic monitoring equipment including sensors (either installed in, or along the roadway) and associated equipment and appurtenances. The construction of traffic monitoring sites may include design, preparing construction plans, writing specifications, and construction engineering supervision. Special traffic counts may also be performed under this activity to support production and development activities and special needs.

2. Qualification Requirements.

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least five years of training and experience in areas directly related to policy planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having training and experience in areas directly related to policy planning; or at least one planner, certified with the American Institute of Certified Planners, having training and experience in areas directly related to policy planning.

d. Type of Work 13.4: Systems Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least five years of training and experience in areas directly related to systems planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers with at least one employed planner having at least five years of training and experience in areas directly related to systems planning; or at least one planner, certified with the American Institute of Certified Planners, having at least five years of training and experience in areas directly related to systems planning.

e. Type of Work 13.5: Subarea/Corridor Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least one year of post-registration experience in areas directly related to subarea/corridor planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having at least one year of experience in areas directly related to subarea/corridor planning; or at least one planner, certified with the American Institute of Certified Planners, having at least one year of experience in areas directly related to subarea/corridor planning.

f. Type of Work 13.6: Land Planning/Engineering. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional

Engineers, having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one landscape architect registered with the Florida State Board of Landscape Architecture, having training and experience in areas directly related to assessing impacts to private property, or at least one planner, certified with the American Institute of Certified Planners, with a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property.

g. Type of Work 13.7: Transportation Statistics. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least one year of post-registration experience in activities associated with the collection of traffic data of a statistical nature that can be used in the Department's databases such as the Rail-Highway Crossing Inventory (RHCI), Traffic Characteristics Inventory (TCI), and Roadway Characteristics Inventory (RCI), or used to support other Department activities such as highway design. In addition, either the same engineer, or an additional professional engineer registered with the State Board of Professional Engineers with at least one year of post-registration experience in the construction, replacement, or repair of traffic monitoring equipment, including sensors (either installed in, on, or alongside the roadway) and associated equipment and appurtenances, and maintenance of traffic is required.

(l) Group 14. Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning; providing preliminary study designs, drawings, and specifications; architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one architect, registered with the Florida State Board of Architecture and Interior Design, with a minimum of five years of post-registration experience in commercial design and favorable references.

(m) Group 15: Landscape Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of landscape projects. These services include planning; site planning; providing preliminary study designs,

drawings, and specifications; landscape architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one landscape architect, registered with the Florida State Board of Landscape Architecture, with at least five years of post-registration experience in landscape architecture projects.

(n) Group 20. Appraisal Services.

1. This type of work is defined as the services provided by an appraiser to the State of Florida Department of Transportation. Appraisal Services include: "Appraisal Assignment" in which a person is employed or retained to act as a disinterested third party in rendering objective and unbiased analyses, opinions, reviews, or conclusions relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property. Such appraisal services must be in compliance with the Uniform Standards of Professional Appraisal Practice, as incorporated by reference in Section 475.628, Florida Statutes.

2. Qualification Requirements. This type of work requires a minimum of one person licensed as a State Certified General Real Estate Appraiser issued by the Florida Department of Business and Professional Regulation, with a minimum of three years experience in appraising for eminent domain purposes.

(o) Group 21. Acquisition, Negotiation, Closing, and Order of Taking.

1. Type of Work. This type of work involves notifying all affected parties of their rights pursuant to Section 73.015, Florida Statutes; reviewing and verifying all title work; reviewing right of way maps and construction plans and verifying that all legal descriptions, right of way maps, and appraisals correspond; conducting surveys to identify all businesses operating on property being acquired; preparing real property/personal property inventories; making purchase offers including the approved market value estimate, and conducting negotiations in accordance with state policies and procedures and all applicable laws; when applicable, making business damage counteroffers and conducting negotiations to settle business damage claims in accordance with state policies and procedures; participating in the non-binding pre-litigation mediation process; preparing recommendations for administrative settlements; preparing and processing invoices for requesting warrants for settlements, and order of taking deposits; conducting all necessary closings as well as preparation, styling, and filing of lawsuit packages under the direction of the Department's attorney; providing assistance to the Department's attorneys in obtaining Orders of Taking, including providing testimony and responding to interrogatories; and maintaining complete written documentation of all contacts with property owners or property owners' representatives.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, at a minimum, one real estate broker and one real estate salesperson licensed by the State of Florida Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in transportation acquisition projects.

(p) Group 22. Acquisition Business Damage Estimating and Estimate Review.

1. Type of Work. This type of work is defined as the preparation of business damage estimate reports describing the impact of a right of way acquisition on the income, expenses, and profits of a particular business, in accordance with the standards established in Rule Chapter 14-102, F.A.C., and all other recognized accounting and performance standards; and the critical and analytical review and evaluation of business damage estimate reports, exhibits, and other documentation submitted to the Department by the business damage estimator on behalf of the Department or business owners.

2. Qualification Requirements. This type of work requires a minimum of one employee, registered as a Certified Public Accountant in the State of Florida, with a minimum of three years of demonstrated professional accounting work, after registration. This type of work also requires the Certified Public Accountant to demonstrate previous experience in the preparation of accepted business damage estimate reports for the Department within the last three years immediately preceding application for qualification; or have served as an expert witness in the State of Florida in eminent domain cases or other legal cases regarding business valuation or damages within the last three years immediately preceding application for qualification; or a minimum of 48 hours of completed course work, directly related to business valuation. Verification of course work shall be by copies of course certificates of completion issued by the course provider which will indicate the number of hours that may be counted for continuing professional education credits.

(q) Group 24. Acquisition Relocation Assistance.

1. Type of Work. This type of work is defined as relocation planning at the conceptual stage of a transportation project and the preparation of the Relocation Needs Assessment Survey, identifying displaced persons and likely business damage candidates pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24. Advisory services, including personal interviews and coordination with displaced persons, must be provided to ensure the timely relocation to replacement properties. Relocation assistance also involves the delivery of all required notices and offers to owners and tenants, the location and offer of comparable decent, safe, and sanitary replacement dwellings available for sale or rent, the computation of replacement housing payments, the determination of appropriate move cost payments, the monitoring of moves, the preparation of claim

packages, invoicing of payment amounts, and delivery of warrants. The work also entails obtaining all information pertinent to evictions and relocation appeals, and includes providing testimony.

2. Qualification Requirements. This type of work requires a minimum of one full time employee with a minimum of three years of demonstrated current experience in administering and providing relocation assistance for transportation projects under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24.

(r) Group 25. Right of Way Clearing and Leasing.

1. Type of Work: This type of work involves preparing real property/personal property inventories and inventory updates up to and including final disposition of the property; performing property inspections on an ongoing basis to determine the need for rodent control, maintenance, and security; conducting negotiations for short-term leases and preparing leasing documents for real and personal property prior to construction of a project; preparing, obtaining, managing, and reviewing contracts for consultant services to perform asbestos surveys, preparing asbestos operation and maintenance plans, preparing asbestos abatement specifications, and performing air and asbestos project monitoring; preparing, obtaining, and managing departmental contracts for asbestos abatement services; preparing, obtaining, and managing departmental contracts for demolition and removal services; inspecting demolition sites and documenting demolition activities; and preparing, obtaining, and managing Department contracts for removal of pollutant storage tanks.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, at a minimum, one real estate broker and one real estate salesperson licensed by the Florida State Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in managing properties acquired for transportation purposes and managing contracts for demolition activities. Additionally, at least one employee must be certified as an Asbestos Inspector and as an Asbestos Management Planner, and have a minimum of three years of administrative experience in the asbestos field.

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105, 337.1075 FS. History—New 6-30-73, Amended 3-24-77, 5-1-77, 8-31-77, 11-13-77, 9-20-83, 10-21-85, Formerly 14-75.03, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 6-30-98, 8-2-01, 4-29-03,_____.

14-75.004 Consultant Competitive Selection Process.

Selection of professional consultants by the Department shall be in accordance with the provisions enumerated below.

(1) Notice.

(a) Except when there is a public emergency certified by the Secretary of Transportation, the Department shall provide notice whenever it requires professional services for a project, the basic construction cost of which is estimated by the

Department to be more than the threshold amount in Section 287.017, Florida Statutes, for category five, or when the fee for professional services for a fixed capital outlay study or planning activity exceeds the threshold amount provided in Section 287.017, Florida Statutes, for category two. The Department will provide the foregoing notice at its Internet address (<http://www.dot.state.fl.us/procurement/> ~~www11-myflorida.com/procurement/~~). A project may include the following:

1. Professional services associated with a specifically identified project.

2. A grouping of professional service assignments for substantially similar activities where the grouping of assignments provides advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or use of shared resources for multiple projects, or to allow multiple use of a single design concept.

3. Miscellaneous minor professional services, performed on a task assignment basis. The total contract fee may not exceed \$1,500,000 and individual assignments may not exceed \$300,000. However, these limits may be exceeded due to unplanned cost increases.

4. Professional services of a general consultant, which include the administration, support, and management of engineering, architectural, surveying, planning, or right of way acquisition and appraisal activities.

(b) The notice shall contain time frames for submittal of a letter of response, a general description of the project, including where a detailed description may be obtained, the Department district and county where the project is located, a list of the major types of work, an indication as to whether the project is considered a minor project for qualification purposes, and a description of the means by which interested consultants can apply for consideration. Projects that do not conform to the prequalified types of work shall be advertised requesting any interested consultant to submit a Letter of Qualification. Consultants responding to advertisements for such non-standard types of work do not need to possess previous qualification.

(2) Response to Advertisement and Selection.

(a) Professional consultants who desire work with the Department shall timely submit a maximum of a two page letter of response, or a letter of qualification, to the Department whenever they feel qualified to perform projects for which notice has been provided in accordance with subsection (1)(a). To be considered for selection, the letter of response or letter of qualification must be received in the format and by the date specified in the advertisement and will include a list of all affiliates as defined in Section 337.165(1)(a), Florida Statutes. Only one letter of response/qualification will be considered from any consultant firm.

(b) After receipt of a letter of response, or letter of qualification, the Department shall review the submittal and verify that the consultant possesses current qualification with the Department to perform the major type(s) of work specified in the advertisement. In order to be considered for selection, any consultant which does not possess current qualification to perform the major type(s) of work specified in the advertisement shall submit a completed Request for Qualification Package, including the required overhead audit (if applicable), on or before the date letters of response are due. A qualified consultant may use a qualified sub-consultant to meet the requirements of the major type(s) of work for which it is not currently qualified when responding to advertisements. The Department will not be obligated to delay any part of the consultant selection process or the execution of a contract for a consultant who has not been qualified for the major types of work or who cannot provide the required documentation prior to the process of selection.

(c) If fewer than three consultants respond to the advertisement, the Department shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on the criteria in Section 287.055(4)(b), Florida Statutes. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project.

(d) When the fee for professional services is less than the threshold amount provided in Section 287.017, Florida Statutes, for category two, or when the Department's estimated basic construction cost is less than the threshold amount provided by Section 287.017, Florida Statutes, for category five, the Department may request, review, and approve the technical qualifications of the selected consultant if the consultant is not currently qualified in the requested type of work.

(e) Selection of consultants will be in accordance with Section 287.055, Florida Statutes.

Specific Authority 334.044(2), 837.06 FS. Law Implemented 287.055, 337.105 FS. History—New 6-30-73, Amended 3-24-77, 6-30-83, 10-21-85, Formerly 14-75.04, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 2-12-98, 8-2-01, 4-29-03,_____.

14-75.0051 Revocation, Denial, or Suspension of Qualification.

(1) Department will, for good cause, deny or suspend the qualification of any professional consultant, or other provider of service, to render services to the Department. A denial or suspension for good cause pursuant to this rule shall remove the person or firm from consideration for award of professional service contracts for a particular type of work for a period not to exceed three years. Such good cause shall include paragraphs (a) through (e) below:

~~(a) One of the circumstances specified under Section 337.105(1)(a) through (i), Florida Statutes.~~

~~(a)(b) The consultant defaulted on any Department contract, or the contract of any other governmental entity.~~

(b) The consultant's work performance in one of the work types defined in Rule 14-75.003, F.A.C., is not satisfactory. Unsatisfactory performance shall consist of failure to meet project:

- 1. Schedule requirements.
- 2. Management requirements, or
- 3. Quality requirements.

Unsatisfactory performance will result in revocation, denial, or suspension of qualifications for that type of work for a period not to exceed one year.

~~(c) The consultant failed to timely furnish all contract documents required by the contract specifications, or special provisions, to be provided after the Department's offer of final payment.~~

~~(d) The consultant has an unsatisfactory work performance grade average. A consultant must maintain a final grade of 70 to remain qualified with the Department to provide services in each type of work. A composite final average grade between 60 and 69 for schedule, management, and each quality grade will result in the consultant being suspended from the qualified list for three months for each type of work graded within this range. A composite final average grade below 60 for schedule, management, and each quality grade will result in the consultant being suspended from the qualified list for six months for each type of work graded within this range.~~

~~(c)(e) Any other good cause, as defined in Section 337.105(1), Florida Statutes, established by the factual circumstances.~~

(2) For any of the reasons provided in Section 14-75.0051(1), ~~other than receipt of an unsatisfactory work performance grade,~~ the Department will revoke, deny, or suspend a consultant's qualification for a period of time based upon the seriousness of the deficiency. Factors to be considered in determining the length of the suspension or denial include, but shall not be limited to, the following:

- (a) Impact on project design or construction schedules;
- (b) Frequency or number of occurrences;
- (c) Impact on the Department, financial or otherwise;
- (d) Potential for repetition;
- (e) Length of bar or suspension from consideration of work by another governmental entity; and
- (f) Severity or length of noncompliance with the requirements for qualification, found in Rule Chapter 14-75, F.A.C.

(3) The Department shall deny or revoke the qualification to bid of any consultant, and its affiliates, for a period of 36 months, pursuant to Section 337.165, Florida Statutes, when it

is determined that the consultant has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court.

(4) Any decision by the Department to suspend, revoke, or deny a consultant's qualification will be provided to the consultant in accordance with Rule 28-106.111, F.A.C. The Department's action will become final, unless a petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C., within 21 days after receipt of the Department's notice. Where a consultant's qualification has been denied or revoked for conviction of a contract crime, a hearing shall be held within 30 days of the receipt of the request for hearing if the request for hearing is filed within 10 days of the Department's notice of intent. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to, and received by, the Clerk of Agency Proceedings at the above address, and accordingly is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(a) Reapplication or Reinstatement. A consultant whose qualification has been denied or revoked for conviction of a contract crime may petition for reapplication or reinstatement at any time after denial or revocation in accordance with Section 337.165(2)(d), Florida Statutes.

1. The petition for reapplication or reinstatement shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458, and shall include:

- a. The name and address of the party making the request;
- b. A statement of the specific grounds upon which the petition is based and the proposed terms and conditions upon which reapplication or reinstatement is sought;
- c. A list of all witnesses and exhibits to be presented; and
- d. A statement whether the consultant requests that the hearing be held by the Division of Administrative Hearings.

2. Upon the filing of a petition for reapplication or reinstatement, the Department shall:

- a. Conduct a hearing within 30 days after receipt of the petition, unless otherwise stipulated by the parties; or
- b. Notify the Division of Administrative Hearings within five days after receipt of the petition for scheduling of the hearing in accordance with Sections 337.165(2)(d) and 120.57, Florida Statutes.

3. If the petition for reapplication or reinstatement is denied, the consultant may not petition for a subsequent hearing for a period of nine months following the date of the order of denial or revocation.

4. If the petition for reinstatement is granted, the consultant shall file a current Request for Qualification with the Procurement Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450, before the reinstatement shall become effective.

(b) Notification of Contract Crime. A consultant who is qualified with the Department, or who has a letter of response or qualification, or who has a request for qualification pending before the Department pursuant to this Rule Chapter, shall notify the Department within 30 days after conviction of a contract crime applicable to it or to any of its affiliates or to any officers, directors, executives, shareholders active in management, or employees or agents of it or any of its affiliates. The notification shall be forwarded to the Department of Transportation, Procurement Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 337.105 FS. Law Implemented 287.055(3), (6), 337.105, 337.165 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 1-17-99, 8-2-01, 4-29-03, _____.

14-75.0052 Professional Consultant Work Performance Evaluation System.

(1) The Department shall have a system to evaluate the performance of consultants on professional services contracts. The system shall consider the consultant's performance for the entire length of the contract and evaluate the products produced by the consultant. A copy of the completed evaluation shall be provided to the consultant's project manager and the officer who executed the agreement. A final composite evaluation of the consultant's contract performance shall be developed by combining all of the consultant's evaluations for the full length of the contract. The consultant's work performance on each professional service contract must be evaluated by the Department's project manager(s) or task manager(s). A work performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The schedule rating shall be based on the consultant's compliance with the contract schedule. The Management rating shall be based on the consultant's ability to manage all necessary project resources. The Quality rating shall be based on the consultant's attention and concern to the established quality control plan and a quality product. The project manager shall assign the Quality rating to any qualified consultant named in the agreement for any major type of work performed. For all professional services contracts that result in the preparation of construction plans, a Constructibility rating shall also be assigned. The Constructibility rating shall be based on the design consultant's ability to develop practical, accurate, complete, and cost effective construction plans. A minimum of one interim evaluation shall be conducted for all contracts with a duration of 18 months or more. A final evaluation shall be conducted for all contracts within 30 days of approval of the final invoice for basic services. A work

performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The project manager shall assign the Quality Grade to any qualified consultant named in the agreement for each major type of work performed. The Department's contracted consultant shall also receive a Schedule, Management, and Quality Grade in the same type of work as any technically qualified consultant.

(2) ~~The rating system for all work types shall be on a 1 to 5 rating scale with 1 equating to poor performance and 5 representing outstanding performance. Ratings will be assigned on a continuum of 1 to 5. Each interim grade shall be based upon an evaluation of the consultant's work performance for the period of time since a previous interim evaluation was made. The Final Grade shall reflect the overall contract performance for the entire contract period. Interim grades shall be entered into the Department's Professional Services Information System until replaced by the final grade.~~

(3) ~~Each professional service contract evaluation shall be based on an evaluation of contract performance using a grading system for Schedule, Management, and Quality, except for Groups 10.1 and 10.2, which will be scored one composite grade. The scoring system for all work groups will be as follows:~~

- ~~Excellent—100 points~~
- ~~Good—90 points~~
- ~~Average—80 points~~
- ~~Marginal—70 points~~
- ~~Unsatisfactory—0—60 points~~

~~(a) The Schedule Grade. The schedule grade shall provide an indication of the consultant's compliance with the contract schedule.~~

~~(b) The Management Grade. The management grade shall provide an indication of the consultant's managerial knowledge and ability to manage all necessary resources to deliver a high quality product.~~

~~(c) The Quality Grade. The quality grade shall provide an indication of the consultant's attention and concern to the established quality control plan and a quality product. A quality grade is prepared, at a minimum, for each major type of work as advertised. The quality grade for each type of work shall consider a minimum of four quality tests with a standard score range assigned to each test. The maximum grade for the summation of all quality tests for an individual quality grade is 100%.~~

~~(4) For all professional service contracts that result in the preparation of construction plans, a construction plan quality evaluation will be performed by the Department's Resident Engineer within 30 days after final acceptance of the construction project. The resulting Constructibility Grade shall provide an indication of the design consultant's ability to develop practical, accurate, complete, and cost effective~~

~~construction plans. The Department's CEI project manager or resident engineer shall assign a grade on the design consultant's plan quality.~~

~~(5) Additional interim consultant work performance evaluations can be submitted by the Department's project manager as needed. Items to be considered for submitting additional interim evaluations are:~~

- ~~(a) Examples of extremely outstanding performance;~~
- ~~(b) Examples of extremely poor performance;~~
- ~~(c) Completion of critical phases of work, such as preliminary design, submittal of draft environmental documents and reports, initial and final submittals, etc.; and~~

~~(6) Evaluation Processing. The Department's project manager will prepare the completed consultant performance grade, interim or final for entry into the Professional Services Information System. All final grades will be retained in the system for five years, and may be referred to by the Department for use in future qualification selection matters. Each interim grade shall be replaced by the succeeding interim grade and eventually by the final grade for each contract. A performance grade is established for each major type of work by averaging the schedule, management, and quality grade. An average grade of 70 or more for each type of work is considered satisfactory. (d) Requests from the consultant based on possible improved performance when its most recent grade was low.~~

~~(7) Within 10 days after the Procurement Office receives the completed grades, a copy of the performance grades with a cover letter shall be provided to the consultant's project manager and officer who executed the agreement, as well as to any other consultant who was named in the agreement and was assigned a Quality Grade for work it performed.~~

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 8-2-01, 4-29-03,_____.

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 CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Maturity Tests – Processed Citrus	20-61
RULE TITLE:	RULE NO.:
Sampling Equipment	20-61.003
PURPOSE AND EFFECT: A requested amendment extending for one year, to November 1, 2006, the requirement for all processing plants to install the flip-gate sampling system.	

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, F.A.C., 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: 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: 9:00 a.m., December 1, 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., 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: Prescribed Pediatric Extended
RULE CHAPTER NO.: 59A-13

Care Centers

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-13, Florida Administrative Code, consistent with provisions of Section 400.914, F.S. The legislation provides the rule be amended regarding areas that include: license procedures; administration and management; admission, transfer, and discharge policies; child care policies; medical

director; nursing services; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to Chapter 59A-13, Florida Administrative Code, involves the following areas: license procedure; administration and management; admission, transfer, and discharge policies; child care policies; medical director; nursing services; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SPECIFIC AUTHORITY: 400.914 FS.

LAW IMPLEMENTED: 400.914 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., November 29, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Kimberly R. Smoak, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida 32308 or call (850)488-5861

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Notification of Address Change
RULE NO.: 61H1-26.005

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to clarify responsibility for updating address changes.

SUBJECT AREA TO BE ADDRESSED: Address change.

SPECIFIC AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 473.304 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, 240 NW 76th Drive, Suite A, Gainesville, FL 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-26.005 Notification of Address Change.

(1) through (2) No change.

(3) ~~It is~~ if the licensee's responsibility to verify does not receive written confirmation that the Board's records have been updated. If the records have not been updated, it is the responsibility of ~~changed then the licensee is put on notice that the Board did not receive the change and it is the licensee's responsibility~~ to send another notice.

Specific Authority 473.304 FS. Law Implemented 473.304 FS. History--New 12-2-92, Formerly 21A-26.005, Amended.

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 Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

General Requirements of Clinical Laboratory Personnel Training Programs 64B3-3.001

Curriculum Requirements for Clinical Laboratory Personnel Training Programs 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to amend requirements for clinical laboratory personnel programs and curriculum requirements, and include molecular pathology.

SUBJECT AREA TO BE ADDRESSED: Clinical laboratory programs and curriculum requirements, as they relate to molecular pathology.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (4) No change.

(5) Each training program shall:

(a) through (p) No change.

(q) In the category of molecular pathology, a minimum of six months of instruction.

~~(r)(e)~~ No change.

(6) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 59O-3.001, Amended 1-11-99, 11-15-99, 9-29-02, 2-2-04, 12-5-04,

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

(1) through (8) No change.

(9) For the category of molecular pathology, technologist level program shall at a minimum include instructions in the following competencies:

(a) Applies knowledge of basic and special laboratory procedures, sources of error, fundamental characteristics of molecular theory, molecular biology, and molecular genetics.

(b) Selects appropriate courses of actions for method and test requested.

(c) Selects and prepares appropriate methods, instruments, reagents, controls and appropriate procedures to verify test results.

(d) Calculates results and assesses test results by correlating laboratory data with clinical data, quality control data, and physiological process to validate results and procedures.

(e) Evaluates laboratory data to recognize health and disease states, make identifications, verify test results, resolve inconsistent results and sources of error, take corrective actions, and recognize the need for additional testing.

~~(10)(9)~~ No change.

~~(11)(10)~~ No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 59O-3.003, Amended 3-19-98, 9-20-98, 1-11-99, 10-30-02, 7-18-04,

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

Supervisor 64B3-5.002

Technician 64B3-5.004

Director; Limitations and Qualifications 64B3-5.007

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel supervisors, technicians, and directors with regard to the category of molecular pathology and diagnostics.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel supervisors, technicians, and directors with regard to the category of molecular pathology and diagnostics.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.823(1), 483.824 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist and complete a Board approved examination or complete 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

(a) through (g) No change.

(h) In the category of molecular pathology, have a minimum of a baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in molecular pathology.

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b), ~~and~~ (c), and (h), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysts, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or

American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(3) through (4) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04,_____.

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histology, molecular genetics, andrology and embryology, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

(a) through (f) No change.

(g) Qualifications for Molecular Pathology Genetics Technician. To be licensed as a molecular pathologist genetics technician, an applicant shall have a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

(h) No change.

(2) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03, 4-20-04,_____.

64B3-5.007 Director; Limitations and Qualifications.

(1) through (4) No change.

(5) Approved examinations for licensure as a director: An applicant who qualifies for licensure as a director herein is required to pass a supervision and administration examination covering the subject matter of subsection 64B3-3.003(7), F.A.C., the Clinical Laboratory Director examination administered by the National Credentialing Agency for Laboratory Personnel (NCA), the examination for High Complexity Laboratory Director (HCLD) or one of the following:

(a) through (e) No change.

(f) In the specialty of molecular pathology genetics, the specialty examination in molecular diagnostics genetics prepared by the American Board of Medical Genetics.

(g) and (h) No change.

(6) No change.

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.809, 483.811(2), 483.823(1), 483.824 FS. History--New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02, 10-14-02, 4-20-04,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty of Licensure
RULE NO.: 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language with regard to the scope of practice relative to specialty licenses held by clinical laboratory personnel.

SUBJECT AREA TO BE ADDRESSED: The scope of practice relative to specialty of licensure for clinical laboratory personnel.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (11) No change.

(12) The purpose of the specialty of cytology is to process and interpret cellular material derived from the human body delineating data regarding human cytopathological disease. Cytology includes;

(a) ~~R~~review and interpretation of gynecological cytology preparations in accordance with the provisions of Rule Chapter 64B3-7, F.A.C.;

~~(b) and S~~creening of non-gynecological cytology preparations where final review and interpretation is the responsibility of a qualified physician; and

(c) Process, perform, review and correlate diagnostic techniques ancillary to liquid based cytology.

(13) No change.

(14) The purpose of the specialty of molecular pathology is the use of molecular techniques for the characterization of gene expression (protein, RNA), genetic lesions (DNA) in cells, gene products (proteomics) and analysis genetics is to perform an analyses on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes ~~for clinical purposes. It includes the study of how the changes found lead to the disease process, monitoring of the effectiveness of therapy, and detection of residual disease. Techniques included are but not limited to immunohistochemistry, in situ hybridization, mutational analysis, protein analysis, polymerase chain reactions, cell culture and isolation, expression profiling, blotting and microarrays. Such purposes would include predicting risk of disease, identifying carriers, and establishing prenatal or clinical diagnoses or prognoses in individuals, families, or populations.~~

(15) through (19) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, 4-27-04,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B3-12.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to add disciplinary fines for clinical laboratory personnel who are terminated from a treatment program for impaired practitioners, fail to comply without good cause with the terms of a monitoring or treatment contract entered into by the licensee, or fail to successfully complete any drug-treatment or alcohol treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for clinical laboratory personnel.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.079, 483.825, 483.827 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), F.S., within the range corresponding to the violations set forth below. Offense identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) through (x) No change.

(y) Section 456.072(1)(gg), F.S.: Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant, as described in Section 456.076, F.S., for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol treatment program – from a minimum fine of \$500 to \$1000 and suspension until complaint up to revocation.

(3) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.079, 483.825, 483.827 FS. History—New 8-3-93, Formerly 61F3-12.002, 59O-12.002, Amended 4-10-01, 9-9-02, 2-24-04,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLES:	RULE NOS.:
Management Provisions	68D-24.003
Suwannee and Santa Fe River Boating	
Restricted Areas	68D-24.020

PURPOSE AND EFFECT: Drawings are provided in each rule. The drawings are only intended to provide information to assist the boat operator in locating the boating restricted areas depicted in the respective rules. The drawings are not necessarily to scale and should not be relied on for navigational purposes. Nevertheless, some boat operators attempt to navigate their vessels by relying on these drawings rather than

on traditional nautical charts. Subsection 68D-24.003(3), F.A.C., will be amended to explicitly state that the drawings are not to scale and should not be used for navigation purposes. This amendment will not affect the size of or restriction within any boating restricted area. For each area, the text of the applicable rule is controlling and dispositive of the exact location of the boundaries of that particular boating restricted area.

Annual spring rains routinely cause the Suwannee and Sante Fe Rivers to rise. This condition creates an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land become wholly or partially submerged and create hazards to navigation. These objects include without limitation: waterway markers, bollards and piles, docks and wharves, electrical and telephone wires, utility poles, trees and stumps, fences, dwellings, boat houses, and sheds. The turbulent and muddy waters cause boats to allide dangerously upon submerged objects without warning. Restricting operation to steerageway speed will mitigate the dangers and damages associated with such allisions. Limiting vessel operation to speeds no greater than Idle Speed No Wake is necessary to allow vessels additional opportunity to assess the situation and to avoid dangers.

Vessel operation at speeds greater than Idle Speed No Wake also endangers persons in or near the river. Floodwaters submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Lake City, Florida, the Boating and Waterways Section, the United States Coast Guard, United States Army Corps of Engineers and the Suwannee River Water Management District to proceed with this rulemaking.

SUBJECT AREA TO BE ADDRESSED: Management provision relating to the drawing accompanying each rule. Idle Speed No Wake regulation along the Suwannee and Sante Fe Rivers: Along the Suwannee River from Ellaville south to Luraville, then south to Little River and on to Rock Bluff and from Rock Bluff southerly to Fowler Bluff; From the confluence of the Suwannee and Sante Fe Rivers continuing upstream along the Sante Fe River to O’Leno State Park and Three Rivers Estates.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)410-0656, extension 17169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.003 Management Provisions.

(1) through (2) No change.

(3) The drawings provided in this chapter are intended to provide information to assist the boat operator in locating the boating restricted areas depicted. The drawings are not to scale and should not be used for navigation purposes. The text of these rules is controlling and dispositive of the exact location of the boundaries of each boating restricted area.

(4) No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended 6-12-00, _____.

68D-24.020 Suwannee and Santa Fe River Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic, the Suwannee and Santa Fe River Boating Restricted Areas are established as follows:

(+) Idle Speed No Wake Zones –

(a) All waters in and adjacent to the Suwannee River from the centerline of the U.S. 90 Bridge at Ellaville south to the centerline of the S. R. 51 Bridge at Luraville, in effect when the Suwannee River level is 47 feet (MSL) or higher as indicated on the Ellaville gauge, as depicted in Drawing A. ~~Suwannee River All waters in and adjacent to the Suwannee River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge at Branford and bounded on the south by a line drawn perpendicular to the centerline of the river 300 feet south of the boat ramp at Fowler's Bluff.~~

(b) All waters in and adjacent to the Suwannee River from the centerline of the S. R. 51 Bridge at Luraville to a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring, in effect when the Suwannee River level is 26 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing B. ~~Santa Fe River—All waters in and adjacent to the Santa Fe River, from shoreline to shoreline, bounded on the North by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge near High Springs and bounded on the south by the Suwannee River.~~

(c) All waters in and adjacent to the Suwannee River from a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring to the centerline of the C. R. 340 Bridge at Rock Bluff, in effect when the Suwannee River level is 24 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing C.

(d) All waters in and adjacent to the Suwannee River from the centerline of the C. R. 340 Bridge at Rock Bluff to a line drawn perpendicular to the centerline of the Suwannee River one mile south of the Fowler Bluff Boat Ramp when the Suwannee River level is 9 feet (MSL) or higher as indicated on the Wilcox gauge, as depicted in Drawing D.

(e) All waters in and adjacent to the Sante Fe River from a line drawn perpendicular to the centerline of the Sante Fe River at River Rise in O'Leno State Park westerly to the confluence of the Suwannee and Sante Fe River, in effect when the Sante Fe River is 17 feet (MSL) or higher as indicated on the Three Rivers Estates gauge, as depicted in Drawing E.

(2) When in Effect – The boating restricted areas established in section (1) shall be active and enforceable only when the water levels are as specified in each paragraph. For purposes of this rule, all referenced river levels are in feet above mean sea level (MSL), 1929 National Geodetic Vertical Datum level of the Suwannee River measured at Branford, Florida, is at 26 feet above sea level (3 feet below flood stage) or higher.

(3) The boating restricted areas described in Rule 68D-24.020, F.A.C. are depicted in the following drawings:

NOTE: Drawings A through E are being developed.

Specific Authority ~~420.54(9)~~, 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 5-3-94, Formerly 16N-24.020, 62N-24.020, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Standards

RULE CHAPTER NO.: 69A-62

RULE TITLE: General Guidelines for Firefighter Employer

RULE NO.:

Comprehensive Safety and Health Programs 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program. The change being made more clearly reflects that intent.

SUBJECT AREA TO BE ADDRESSED: Fire departments' safety and health programs and remediation plans for fire departments in violation of any part of the firefighter safety and health rules.

SPECIFIC AUTHORITY: 633.821 FS.

LAW IMPLEMENTED: 633.821 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. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.

TIME AND DATE: 10:00 a.m., November 28, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Walter Malo, Safety Program Manager, Bureau of Fire Standards & Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2800

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE CHAPTER TITLE: Life Expectancy Providers
 RULE CHAPTER NO.: 69O-204

PURPOSE AND EFFECT: To implement regulatory structure over life expectancy providers.

SUBJECT AREA TO BE ADDRESSED: Life Expectancy Providers.

SPECIFIC AUTHORITY: 626.9925 FS.

LAW IMPLEMENTED: 626.99175 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., December 13, 2005

PLACE: Room 116, 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: Bernie Stoffel, Specialty Product Administration, Office of Insurance Regulation, E-mail bernie.stoffel@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 COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures
 RULE CHAPTER NO.: 9B-3

RULE TITLES: Statewide Amendments to the Florida Building Code
 RULE NO.: 9B-3.050

PURPOSE, EFFECT AND SUMMARY: Changes made to Section 553.73(3), F.S., made by the 2005 Florida Legislature require Department of Community Affairs staff to review proposed code changes for adequacy before they are considered as part of the code change process. This rule revision provides procedures applicable to, and specifies the extent of, that review.

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: 553.73(3) FS.

LAW IMPLEMENTED: 553.73(3), (6) 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:

TIME AND DATE: 9:10 a.m. – 9:15 a.m., December 7, 2005

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of