

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.130
RULE TITLE: Forms

PURPOSE AND EFFECT: To restrict applications for approval of products to 150 products per application and to remove specific reference to fee amounts on the screens.

SUBJECT AREA TO BE ADDRESSED: Product approval applications.

RULEMAKING AUTHORITY: 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: October 13, 2009, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites, 3705 Spectrum Boulevard, Tampa, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

DEPARTMENT OF REVENUE

RULE NO.: 12-3.007
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: Section 120.54(1)(k), F.S., as amended by section 5, Chapter 2008-104, L.O.F., requires the Governor and Cabinet, as head of the Department of Revenue, to approve the publication of a notice of intended rulemaking. Prior to this law change, the Governor and Cabinet, under specific conditions, delegated this function to the Executive Director of the Department under Rule 12-3.007, F.A.C. (Delegation of Authority).

The purpose of the proposed amendments to Rule 12-3.007, F.A.C., is to: (1) remove obsolete language that does not reflect the requirement provided in Section 120.54(1)(k), F.S.; (2) provide that the Department will publish a notice of rulemaking to conduct public hearings after obtaining approval by the Governor and Cabinet; and (3) provide that the Department will file and certify proposed rule changes only after they have been approved by the Governor and Cabinet, as provided in Section 120.54(3)(e)1., F.S.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the provisions of section 5, Chapter 2008-104, L.O.F., which require the Governor and Cabinet to approve a notice of intended rulemaking to conduct rule hearings prior to publication of the public notice by the Department.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 20.05, 20.21, 120.54 FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

RULE NOS.: 12-13.004
RULE TITLES: Delegation of Authority to Determine Settlements or Compromises

12-13.009 Closing Agreements

PURPOSE AND EFFECT: Section 213.21(2), F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into agreements with a taxpayer to settle or compromise the taxpayer's liability for any tax, interest, or penalty assessed. The agreement must be in writing when the amount of tax, interest, or penalty compromised exceeds \$30,000.

The purpose of the amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises), is to: (1) update the delegations of authority authorized by the Executive Director of the Department to settle or compromise a taxpayer's assessment to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the rule by providing these delegations of authority in a chart form for ease of reading.

The purpose of the proposed amendments to Rule 12-13.009, F.A.C. (Closing Agreements), is to revise the rule to reflect the statutory requirement in Section 213.21(1), F.S., that written agreements are required when the amount of a taxpayer's assessment of tax, interest, or penalty compromised by the Department exceeds \$30,000.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the authority granted in Section 213.21(2), F.S., which authorizes the Executive Director of the Department to designate positions within the Department that may enter into agreements with a taxpayer to settle or compromise the taxpayer's liability for any tax, interest, or penalty assessed.

RULEMAKING AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 213.05, 213.21 FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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DEPARTMENT OF REVENUE

RULE NO.: 12-16.004 **RULE TITLE:** Delegation of Authority

PURPOSE AND EFFECT: Section 213.23, F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into consent agreements

with a taxpayer to extend the period during which an assessment may be issued or a claim for refund may be filed. These positions are currently delegated in Rule 12-16.004, F.A.C.

The purpose of the proposed amendments to Rule 12-16.004, F.A.C. (Delegation of Authority) is to: (1) update the delegations of authority to positions authorized by the Executive Director of the Department of Revenue to enter into consent agreements with taxpayers to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the language used in the rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the delegation of authority granted by the Executive Director of the Department to certain positions to enter into agreements with taxpayers to extend the period during which an assessment may be issued or a claim for refund may be filed.

RULEMAKING AUTHORITY: 213.06(1) F.S.

LAW IMPLEMENTED: 213.23 F.S.

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

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DEPARTMENT OF REVENUE

RULE NO.: 12-17.004 **RULE TITLE:** Delegation of Authority

PURPOSE AND EFFECT: Section 213.21(4), F.S., authorizes the Department to enter into agreements for scheduling payments of taxes, interest, and penalties. The Executive Director of the Department has delegated positions within the Department that are authorized to enter into such agreements in Rule 12-17.004, F.A.C.

The purpose of the proposed amendments to Rule 12-17.004, F.A.C. (Delegation of Authority) is to: (1) update the delegations of authority to positions authorized by the Executive Director of the Department to enter into agreements for scheduling payments of liabilities to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the language used in the rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the delegation of authority granted by the Executive Director of the Department to certain positions to enter into agreements with taxpayers to schedule payments of assessments of taxes, interest, or penalties.

RULEMAKING AUTHORITY: 20.05(1)(e), 213.06(1), 213.21(5), F.S.

LAW IMPLEMENTED: 213.21(4) F.S.

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DATE AND TIME: October 13, 2009, 1:30 p.m.

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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.085	Exemption for Qualified Production Companies
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2009, the exemption from the tax on admission charges to certain events sponsored by a governmental entity, sports authority, or sports commission provided in Section 212.04(2)(a)2.b., F.S., expires.

The purpose of the proposed amendments to Rule 12A-1.005, F.A.C., is to remove provisions regarding this exemption from the rule.

In cooperation with the Department, the Office of Film and Entertainment has expedited the application process for a production company qualified under Section 288.1258, F.S., to receive the sales tax exemption provided in Sections 212.031(1)(a)9., 212.06(1)(b), and 212.08(5)(f) and (12), F.S. An electronic application process has replaced the hard-copy application process. Currently, qualified production companies are required to extend to the exemption certificate issued by the Department to vendors to purchase qualified items tax-exempt. To assist those vendors in verifying the exemption, the Department has provided additional information on the exemption certificate on how vendors are able to verify the exemption. The purpose of the proposed amendments to Rule 12A-1.085, F.A.C. (Exemption for Qualified Production Companies), is to: (1) provide that any production company desiring to obtain an exemption certificate under Section 288.1258, F.S., must complete the Entertainment Industry Tax Exemption Application at www.filminflorida.com; (2) remove provisions regarding the application and the renewal application previously used by the Department for this purpose; and (3) adopt revisions to the Certificate of Exemption for Entertainment Industry Qualified Production Company (Form DR-231) that provide information on how a dealer is able to verify the exemption granted to a qualified production company.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) remove the adoption, by reference, of the applications previously used in the administration of the exemption for qualified production companies provided in Section 288.1258, F.S.; and (2) to adopt, by reference, revisions to the Certificate of Exemption for Entertainment Industry Qualified Production Company (Form DR-231).

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) repeal of the exemption from the tax on admission charges to certain events sponsored by a governmental entity, sports authority, or sports commission provided in Section 212.04(2)(a)2.b., F.S.; (2) the electronic application process for a production company to qualify under Section 288.1258, F.S., for certain sales tax exemptions; and (3) the proposed revisions to provide information on how the exemption granted to qualified production companies may be verified with the Department of Revenue.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 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), 616.260 FS.

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DATE AND TIME: October 13, 2009, 1:30 p.m.

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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.0615
 RULE TITLE: Hotel Rewards Points Program
 PURPOSE AND EFFECT: Rule 12A-1.0615, F.A.C. (Hotel Rewards Points Programs), is being created to provide guidelines regarding the application of Florida tax in situations involving hotel rewards points programs within the transient rentals industry that reflect the findings of Report Number 2005-131, "Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Rewards Points Program" issued by the Senate Committee on Government Efficiency Appropriations. This rule sets forth when transient lodging accommodations provided to reward points programs members will be subjected to Florida's taxes on those accommodations. This rule also sets

forth when transactions between the administrator of a hotel reward points program and the hotel participating in the program are subject to tax.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the application of state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, or municipal resort tax on transient accommodations provided to members of a hotel reward points program.

RULEMAKING AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

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

DATE AND TIME: October 13, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.001
 RULE TITLE: Premium Tax; Rate and Computation
 PURPOSE AND EFFECT: Section 3, Chapter 2009-108, L.O.F., expands the tax credit for contributions to nonprofit scholarship funding organizations to the insurance premium tax. The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to: (1) include provisions for the credit for contributions to a nonprofit scholarship funding organizations in the list of credits against the insurance premium tax; (2) provide that contributions to nonprofit scholarship funding organizations are not payments of estimated tax or installment payments; and

(3) provide that the provisions of Section 220.187, F.S., and Rule 12C-1.0187, F.A.C., apply to the credit for contributions to a nonprofit scholarship funding organizations.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop is the expansion of the nonprofit scholarship funding organization credit program to include a credit against the insurance premium tax, as authorized by Section 3, Chapter 2009-108, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 220.187, 288.99(11), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 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.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0186	Credit for Florida Alternative Minimum Tax
12C-1.0187	Credits for Contributions to Nonprofit Scholarship Funding Organizations
12C-1.051	Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.086, F.A.C. (Credit for Florida Alternative Minimum Tax), is to include law changes that eliminate the Florida renewable energy production credit from the alternative minimum tax credit calculation, as provided in Chapter 2008-227, L.O.F., and the credit for contributions to nonprofit scholarship funding organizations, as provided in Chapter 2009-108, L.O.F.

Chapter 2009-108, L.O.F., expands the Florida Tax Credit Scholarship Program to allow insurers, who make contributions to nonprofit funding organizations, to take a tax credit against the insurance premium tax imposed under Section 624.509, F.S.

The purpose of the proposed amendments to Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), is to: (1) update the rule to reflect the changes made by Chapter 2009-108, L.O.F.; (2) clarify that contributions to nonprofit scholarship funding organizations are not payments of estimated tax or installment payments required under Section 220.241, F.S.; and (3) remove unnecessary provisions regarding the annual list of eligible nonprofit scholarship funding organizations provided by the Department of Education.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to Form F-1160 (Application for Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations), and Form F-1161 (Application for Rescindment of Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations), used by the Department in the administration of the tax credit authorized under Sections 220.187 and 624.51055, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the changes to the calculation of the alternative minimum tax credit imposed by Chapters 2008-227 and 2009-108, L.O.F., and the expansion of the Florida Nonprofit Scholarship Program provided in Chapter 2009-108, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 220.187, 220.192(7), 220.193(4), 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 213.755, 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, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.51055 FS.

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DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0191	Capital Investment Tax Credit Program
12C-1.0192	Renewable Energy Technologies Investment Tax Credit
12C-1.0193	Florida Renewable Energy Production Credit
12C-1.051	Forms

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), is to include provisions for a taxpayer to transfer a capital investment tax credit to another taxpayer, as authorized by section 10, Chapter 2008-227, L.O.F.

The purpose of the creation of Rule 12C-1.0192, F.A.C., (Renewable Energy Technologies Investment Tax Credit), is to provide for the administration of Section 220.192, F.S. (Renewable Energy Technologies Investment Tax Credit), including provisions for a taxpayer to transfer the tax credit to another taxpayer, as authorized by section 11, Chapter 2008-227, L.O.F. When adopted, this rule will incorporate the procedures for applying for an allocation of the Florida renewable energy technologies investment tax credit, for claiming the credit on a Florida corporate income tax return, and for transferring the tax credit.

The purpose of the creation of Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit), is to provide for the administration of Section 220.193, F.S. (Florida Renewable Energy Production Credit), created by section 13,

Chapter 2006-230, L.O.F., and amended by section 12, Chapter 2008-227, L.O.F. When adopted, this rule will incorporate the procedures for applying for an allocation of the Florida renewable energy production credit, for claiming the credit on a Florida corporate income tax return, and for transferring the credit to another taxpayer.

The purpose of the proposed changes to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, the Application for Florida Renewable Energy Production Credit Allocation (Form F-1193) and the Notice of Intent to Transfer A Florida Energy Tax Credit (Form F-1193T). Form F-1193T is used by taxpayers to notify the Department of intent to transfer a Florida renewable energy production credit (authorized by section 13, Chapter 2006-230, L.O.F.), a Florida renewable energy technologies investment tax credit (authorized by section 11, Chapter 2008-227, L.O.F.), or a capital investment tax credit (authorized by section 10, Chapter 2008-227, L.O.F.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the procedures for applying for, and for transferring, the Florida capital investment tax credit, the Florida renewable energy technologies investment tax credit, and the Florida renewable energy production tax credit.

RULEMAKING AUTHORITY: 213.06(1), 220.191(8), 220.192(5), (7), 220.193, 220.51 FS.

LAW IMPLEMENTED: 213.35, 213.755, 220.02(8), 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, 220.192, 220.193, 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.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical

Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0221
 RULE TITLE: Returns, Notices, and Elections; Signing and Verification

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to provide procedures for how and when the Department will accept electronic signature of the preparer of a corporate income tax return or notice when the tax return preparer is other than the taxpayer.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed provision for the acceptance of electronic signatures of tax return preparers on corporate income tax returns or notices.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.755, 220.221, 220.23(2)(a) FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF TRANSPORTATION

RULE NOS:	RULE TITLES:
14-10.0011	General Provisions
14-10.0022	Outdoor Advertising Sign Inventory
14-10.003	Licenses
14-10.004	Permits
14-10.0041	Annual Renewal Billing – Licenses and Permits
14-10.0042	Denial or Revocation of Licenses or Permits
14-10.0052	Zoning
14-10.006	Permitting Criteria

PURPOSE AND EFFECT: Rule Chapter 14-10, F.A.C., is being amended to repeal Rule 14-10.0042, F.A.C., update existing language, and clarify the requirements for obtaining and maintaining outdoor advertising sign permits.

SUBJECT AREA TO BE ADDRESSED: Amendments to Rule Chapter 14-10, F.A.C., pertain to outdoor advertising sign permit regulations.

RULEMAKING AUTHORITY: 334.044(2), 479.02 FS.

LAW IMPLEMENTED: 215.34, 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07, 479.08, 479.106, 479.111, 479.24 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: Deanna R. Hurt, Assistant General Counsel and 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:

14-10.0011 General Provisions.

(1) Definitions. All terms in this rule chapter shall have the same meanings as ~~those defined~~ in Section 479.01, F.S. Additionally, the following terms are defined:

(a) “Applicant” means the person or entity seeking permission for an outdoor advertising sign under this rule chapter. ~~“Address of Record” means the mailing address submitted by the licensee or permittee with the initial application for license, the first permit applied for, the transfer affidavit when a permit is transferred to a new permit holder, or the amended address if amended pursuant to paragraph (2)(c), below.~~

~~(b) “Charitable Organizations” means those institutions defined by Section 212.08(7)(c)2.b., F.S.~~

(b)(e) "Completed Sign," for purposes of Section 479.07(5)(a), F.S., means an erected sign structure with attached facing and a posted message.

(c)(d) "Crown" means the highest point of elevation on the road pavement of the main traveled way immediately adjacent to the outdoor advertising sign.

(d)(e) "Embellishment" means a temporary extension of a the sign face which contains a portion of the message or informative contents, and which is added, modified, or removed when the message is changed.

(e)(f) "Height Above Ground Level (HAGL)" means the distance between the ground and the bottom of the sign face, excluding any border and trim, as measured from the point on the sign facing closest to the main-traveled way.

(f)(g) "Location or site" means the specific place or position of a proposed or existing sign. Location is generally identified by specifying a milepost on which is fixed reference to the Roadway Characteristics Inventory (RCI) system together with an offset distance from the edge of the pavement or the right of way line, by specifying reference to the State Plane Coordinates system, or by specifying the reference to latitude and longitude.

(g)(h) "Permitted Sign" means a sign, whether erected or not, for which an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, incorporated herein by reference, has been issued, which permit has not been revoked, canceled, or declared void. Form 575-070-30 may be obtained from the State Outdoor Advertising and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

(h)(i) "Public or Court Officer Official" means as defined in Section 112.3173, F.S. for purposes of Section 479.16(4), Florida Statutes, shall means a person holding a position created by the Constitution or Legislature, or authorized by the Governor.

(i)(j) "Rest Area" means a publicly owned, controlled, and designated place for emergency stops, relaxation, and recreation, including with sanitary and other facilities within or adjacent to the highway right of way, reasonably necessary to accommodate the traveling public.

(j)(k) "Sign Structure Height" means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding but not including embellishments.

(k) "Working Day" means each regular period when Department offices are open for official business.

(2) Names and Addresses.

(a) For consideration of a license or permit under this rule chapter, completed forms must be sent to:

Outdoor Advertising License and Permit Office
Florida Department of Transportation
605 Suwannee Street, MS 22
Tallahassee, Florida 32399-0450

Forms referenced in this rule may be obtained at the above address or at the website: dot.state.fl.us/right-of-way.

(b)(a) Licenses and permits may only be issued in the current legal name or registered fictitious name of the applicant licensee or permittee, whether an individual, business, or corporation. Any notice issued by the Department to a fictitious name filed with the Department shall have the same effect as if issued in the legal name of the permittee or licensee.

(c)(b) ~~All The Address of Record shall be considered the official address for correspondence from the Department to the licensee or permittee including. Such correspondence may include~~ billing, notices of violation, or other information ~~provided or issued by the Department will be sent to the address provided on the application, unless the licensee or permittee has updated the information in accordance with paragraph (d) below.~~

(d)(e) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address becomes effective;
2. The account name as listed on the Department billing;
3. The ~~(typed or printed)~~ name of the individual authorized to sign the notice; and
4. The authorized signature.

(e)(d) Notices or any other correspondence issued by the Department to the address addresses on file prior to receipt of such written notification of an address change are valid and shall be considered received by the licensee or permittee.

(f)(e) License Applications, Permit Applications, Replacement Requests, Transfer Requests, and Cancellation Certifications must contain a statement by the signatory that he/she is the authorized representative and has the authority to sign for the applicant.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 479.02 FS. History--New 6-28-98, Amended 8-19-01, _____.

14-10.0022 Outdoor Advertising Sign Inventory.

Pursuant to Section 479.02(8), F.S. Florida Statutes, the Department shall update its outdoor advertising database inventory information for all permitted signs no less than every two years. This inventory shall provide, as a minimum, the following current information derived from field review and historical information contained in the Department's files:

- (1) Location of the sign;
- (2) Original permit issue date;
- (3) Date the sign was erected;
- (4) Height, width and square footage of each sign facing;
- (5) Number and type of support structures used;
- (6) Height above ground level of the sign facing;
- (7) Sign structure height;
- (8) Whether the sign is lighted or not lighted;

- (9) Whether the sign is in conformance with local land use requirements;
- (10) Whether the sign is in an urban area;
- (11) Whether the sign is in an incorporated area;
- (12) Status of the sign, whether conforming, nonconforming, or illegal;
- (13) Permittee's name and address;
- (14) Permit number(s), current and previous, assigned to the sign facing;
- (15) Status of the permit, whether active or canceled, revoked, expired, or void; and
- (16) Date the sign was removed, when applicable.

Changes made to the Department's previous inventory records to reflect physical characteristics of a sign or sign facing existing at the time of an inventory update shall not create a waiver or constitute forgiveness of any violation of the provisions of Chapter 479, F.S.

Rulemaking Specific Authority 334.044(2), 479.02(7), (8) FS. Law Implemented 339.05, 479.01, 479.02, 479.03, 479.07(9) FS. History--New 6-28-98, Amended _____.

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person or entity is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person or entity receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons or entities solely advertising their own businesses and ~~general~~ contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 10/06, incorporated herein by reference. ~~Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.~~

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History--New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04, 12-31-06, _____.

14-10.004 Permits.

(1) Applications. An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~08/09~~ 02/09, incorporated herein by reference, to the address listed in

subsection ~~14-10.0011(2)(a)~~ 14-10.003(2), F.A.C. ~~Applications may be obtained from the State Outdoor Advertising License and Permit Office.~~

(a) A separate application is required for each permit requested (i.e. a back to back sign will require two applications). The applicant shall submit Sseparate payment instruments of for each application is recommended for a new permit, in order to avoid denial of multiple applications should for one application being denied.

(b) Prior to issuing a ~~any~~ permit, the Department will inspect the proposed sign site ~~for to assure~~ compliance with Chapter 479, F.S., and this rule chapter. To ensure that the site being inspected is the same site specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed upon ~~from the time of~~ submission of the application and shall be maintained by the applicant until the Department has approved or denied the application.

(c) The Department will act on permit applications in order of the date completed ~~of receipt of~~ complete applications are received.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fees ~~have fee has~~ been submitted. All information provided on the application ~~by the applicant~~ must be certified as being true and correct. Information required on the application from the local zoning official on allowable land use, and from the local government official providing local government approval, must have been issued within six months of the Department's receipt of the application.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), F.S., must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee, or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

- a. Identify the property on which the sign is to be located;
- b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(2)(d)~~ Application status. Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, ~~or the applicant is seeking a vegetation management permit, or a conflicting sign removal is pending application falls within paragraph (g) or (h), below.~~

~~(a) A~~ If denied, the application will remain in a pending status until the time to request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., below Rule 14-10.002, F.A.C., has elapsed. If a hearing is requested, the application shall remain in a pending status until a final order has been issued and the time to request an appeal of the of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until the mandate is issued by the appellate court. Subsequent applications for conflicting competing sites shall be held without action until the pending status of the earlier application is resolved.

~~(b)(e)~~ If an application is approved, all subsequently received applications for conflicting competing sites shall be denied.

~~(f) For purposes of paragraph (e), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.~~

~~(c)(g)~~ When a permit application is received for a new sign site where requiring vegetation management is required pursuant to Section 479.106, F.S., the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department in accordance with Rule 14-40.030, F.A.C., and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), F.S. A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation as required by Rule 14-40.030, F.A.C. and Section 479.106(7), F.S., respectively, have been accomplished and the applicant has surrendered two nonconforming signs for surrender in accordance with Section 479.106(5), F.S. If a permit is granted where the applicant has stated that no cutting, removal, or trimming of vegetation is

required to create a view zone for the sign, the permittee may only maintain the view existing at the time the sign permit is issued.

~~(d)(h)~~ Applications for permits at for locations which conflict with spacing requirements relating to the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, except for unless a permit is being canceled as a condition for issuance of a new permit.

~~(i) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), F.S., have been accomplished and the applicant has identified two nonconforming signs for surrender in accordance with Section 479.106(5), F.S.~~

~~(3)(2)~~ Changeable messages – A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is at least a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements.

~~(e) All signs with changeable messages~~ Any such sign shall contain a default design that will ensure no flashing or intermittent message is displayed should hold the face of the sign in one position if a malfunction occurs.

~~(4)(3)~~ Changes to Roadway Designations.

~~(a) A~~ Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has subsequently become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

~~1.(a)~~ The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

~~2.(b)~~ Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

3.(e) When the Department is unable to provide the advance notice referenced in paragraph (a); above, the Department shall attempt to ~~will~~ advise the affected sign owners that they have 90 calendar days, from receipt of the notice, that the change in jurisdiction has become effective and to submit an application for a sign permit.

4.(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, together with all items required by Section 479.07(3)(b), F.S. For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except ~~in cases~~ where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(b)(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all permittees owners of outdoor advertising permits on the affected roadway informing them their sign is no longer subject to the Department's jurisdiction and their permit will not be renewed is cancelled. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(c)(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, F.S., new permits will not be issued for ~~outdoor advertising~~ signs visible from the portion of the highway designated as a scenic highway or byway.

(5)(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted ~~by the permittee~~ at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected, or a previously erected sign has been removed. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 06/09 ~~10/06~~, incorporated herein by reference, and shall include a replacement fee of \$12.00 ~~3.00~~ per tag. Alternatively, the permittee may provide its own replacement tags pursuant to Section 479.07(5)(b), F.S.,

provided all of the fabrication specifications listed below are met. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) 6 inch x 12 inch constructed of durable material;

(b) Coated with 5-year white reflective sheeting;

(c) Embossed black text as follows:

1. The left vertical edge of the tag shall read FLA SIGN PERMIT in 5/8 inch characters;

2. The top horizontal alpha characters shall be embossed toward the FLA text and will be in 2 and 15/16 inch characters;

3. The vertical legend of three numbers located under the alpha characters shall be 2 and 15/16 inch characters.

(d) The letters and numbers of the replacement tag must be identical to the tag being replaced.

(e) When a permittee elects to provide its own tag, the permittee shall notify the Department that they will replace the tag within 30 days of notification that the tag is not properly displayed. The new tag shall be posted at the permitted location within 60 days of the department's notification.

(6)(7) Transfer of Permits. Requests Authorization to transfer a permit in accordance with Section 479.07(6), F.S., shall be submitted on an Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), F.S. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The recipient of the transferred permit transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), F.S., has been secured.

(b) ~~If the transferee and transferor are on different billing cycles, Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.~~

(b)(e) If a transfer of permit is made when the permit has been determined to be in violation of Chapter 479, F.S., or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall a permit transfer in any way prohibit the issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, F.S., or this Rule Chapter.

(c)(d) The 270 days from permit issuance to erect a completed sign shall not be extended when the permit is transferred. If a transfer of permit is made during the initial 270

days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.

~~(7)(8)~~ Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), F.S., if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

~~(8)(9)~~ Conditional Permit Cancellation. In instances ~~W~~where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, shall ~~must~~ be submitted simultaneously to the Department. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

~~(9)(10)~~ Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), F.S., a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, ~~must~~ list the affected permit(s), and shall ~~must~~ certify that:

- (a) The permit was canceled, or not renewed, in error by the permittee;
- (b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;
- (c) The sign has not been disassembled; and
- (d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

~~(11)~~ Pursuant to the criteria set forth in Section 479.105(1)(e), F.S., the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.

~~(10)(12)~~ Reestablishment. Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permittee permit holder desires to reestablish

relocate the sign at to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the reestablishment relocation of the permitted sign in conformance with the following:

(a) The ~~permittee permit holder~~ must submit a completed application for the reestablished relocated sign site in accordance with Section 479.07(3), F.S.

(b) The reestablished sign site shall meet ~~must determine that the relocated sign site is in conformance with~~ all current requirements for permitting.

(11) Relocation. Where a Department project causes a nonconforming sign to be located in the right of way, the Department shall allow the relocation of the sign provided all the requirements of Section 479.15(3), (4), (5), (6), F.S., are met. The relocated sign must be of the same materials, size, and configuration as the original.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 1210-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06, 4-2-09,_____.

14-10.0041 Annual Renewal Billing – Licenses and Permits.

(1) All licenses and permits expire annually and shall be renewed in accordance with Section 479.07(8), F.S. Florida Statutes.

(2) Annual renewal of a license shall ~~must~~ include the annual license fee, and the fees for all permits being renewed by the ~~that~~ licensee. Acceptance by the Department of renewal fees for a permit against which a violation notice has been issued, or which may be issued, shall not constitute waiver by the Department of any right to pursue remedies for the violation.

(a) Any of the following shall result in the return of submitted fees to the applicant, and shall constitute nonpayment:

1. Payment of renewal fees for any amount less than the amount shown as due on the Department's billing statement (or its adjusted billing statement prepared in response to a timely notice from the permittee of corrections, additions, or deletions). When an overpayment of renewal fees is submitted, the Department shall accept the fees due amount as shown on the billing statement (or the adjusted billing statement), and provide for the issuance of a refund to the payor in the amount of the overpayment. Acceptance of payment in an amount greater than the amount due shall not constitute acceptance of renewal fees for permits which have been declared invalid.

2. Failure to return or provide an accounting for the nonrenewed permit tags on the Cancellation Certification.

3. Failure to submit affidavits and transfer fees for any permits being transferred.

(b) Payment for permits being transferred at the time of permit renewal shall be submitted with the permit renewal payment, but must be in a separate payment instrument.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07 FS. History–New 6-28-98, Amended 8-19-01,_____.

14-10.0042 Denial or Revocation of Licenses or Permits.

(1) If the Department intends to deny an application for a license or permit, deny reinstatement of a permit cancelled or not renewed in error, or intends to revoke a license or permit, the Department shall provide, by certified mail, return receipt requested, or by personal delivery with receipt, notice of the facts which warrant the such action. The written notice shall contain:

(a) The particular facts or bases for the Department’s action;

(b) The statute or rule relied upon;

(c) A statement that the applicant, licensee, or permittee has the right to an administrative hearing pursuant to Section 120.57, F.S. Florida Statutes.

(d) A statement that the Department’s action shall become conclusive and the final agency action and that the permit or license shall will be denied or revoked if no request for a hearing is filed within 30 calendar days of receipt of the notice of the Department’s intended action.

(2) If a licensee fails to renew its license, or its license is revoked, any permits owned by the licensee shall become subject to revocation, pursuant to Section 479.08, F.S. Florida Statutes.

(3) Requests for Administrative Hearings.

(a) All requests for administrative hearings shall be made in writing and shall be filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for hearing filed in response to notices issued pursuant to Sections 479.08 479.07(8)(a), 479.105(1), or 479.107(1), Florida Statutes, must be filed within 30 calendar days of receipt of the notice of the Department’s action. Any request for hearing filed in response to a notice issued pursuant to Sections 479.07(8)(a), 479.105(1), or 479.107(1), F.S., must be filed within 30 calendar days of the date of the notice of the Department’s action. A request for hearing is filed when it is received by the Clerk of Agency Proceedings. A request for hearing is not timely filed unless it is received by the Clerk of Agency Proceedings within the specified time.

(b) A request for hearing shall conform to the requirements of Rule 28-106.201 or 28-106.301, F.A.C. If the sign owner, applicant, licensee, or permittee fails to file a timely request for a hearing, the Department’s action shall become conclusive and final agency action.

Rulemaking Specific Authority 334.044(2), 479.02 FS. Law Implemented 120.60, 479.05, 479.08 FS. History–New 6-28-98, Amended_____.

(Substantial rewording of Rule 14-10.0052 follows. See Florida Administrative Code for present text.)

14-10.0052 Zoning Enacted Primarily to Permit outdoor Advertising Signs.

(1) A permit for a sign will only be issued if the property on which the sign is located or planned to be located, allows for commercial or industrial use under both the Future Land Use Map (FLUM) and the Land Development Regulations (LDRs). For purposes of this rule, the following terms apply:

(a) “Commercial use” means activities associated with the sale, rental or distribution of products or the performance of services for compensation, excluding the uses listed in Section 479.01(23)(b), F.S. and paragraph (3)(c), herein.

(b) “Industrial use” means activities associated with the manufacturing, assembly, processing, or storage of products, excluding the uses listed in Section 479.01(23)(b) and subsection (3)(c).

(c) “Primary uses” means those activities that are allowed within a zoning category without a variance, waiver, or other special exception.

(d) “Zoning category” means the designation under the LDR or other similarly enacted ordinance that provides the allowable uses, restrictions, and limitations on use, applicable to the properties within the category.

(2) No outdoor advertising permits shall be granted for signs on properties where the FLUM excludes all commercial uses and industrial uses as primary uses.

(3) If the FLUM allows for commercial or industrial uses as primary uses, either exclusively or in addition to other uses, the Department will examine the current zoning category to determine whether the sign’s proposed location is commercial or industrial in nature.

(a) If the primary uses allowed under the zoning category are exclusively commercial or industrial uses, the property will be considered commercially or industrially zoned.

(b) If the primary uses allowed under the zoning category exclude commercial or industrial uses, the property will not be considered commercially or industrially zoned.

(c) If no zoning is in effect, or if the primary uses allowed under the zoning category allow for some commercial or industrial uses in addition to other uses, the property shall be evaluated in accordance with the criteria set forth in Section 479.01(23), F.S., to determine if the property can be considered an unzoned commercial or industrial area. In addition to the activities listed in Section 479.01(23), F.S., the following uses shall not be considered commercial or industrial for purposes of this rule chapter:–

1. Infrastructure, to mean the man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

2. Activities that are proposed but not in operation.

3. Other activities that do not include the sale, rental, distribution, manufacturing, assembly, processing, or storage of products, or the performance of services for profit.

(4) Where properties are subject to zoning which is time-limited or the zoning is granted subject to the completion of a specified condition, the Department shall consider only the underlying permanent zoning category in determining whether the property is zoned for commercial or industrial uses.

(5) Zoning enacted primarily to permit signs, or spot zoning, is not recognized as commercial or industrial zoning for the purpose of permitting outdoor advertising signs. The Department will examine the following factors to determine if the property was zoned primarily to permit signs:

(a) Whether the uses allowed under the zoning category provide only limited commercial or industrial uses incident to other primary land uses.

(b) Whether the size of the property would be sufficient, given set back requirements and parking needs, to conduct the primary commercial or industrial use, other than signs allowed under the zoning category.

(c) Whether there is public access to the property sufficient for commercial vehicles.

(d) Whether the property is located contiguous to other properties zoned for commercial or industrial activities.

(e) Whether the public statements and materials received or created in connection with the zoning decision affecting the property, indicate the decision was taken primarily to permit the erection or maintenance of signs.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.01(3), 479.01(23), 479.02(1)(3)(7), 479.07(10), 479.111 FS. History—New 3-16-04, Amended 5-5-05, _____.

14-10.006 ~~Additional~~ Permitting Criteria.

Each application for ~~a an outdoor advertising~~ sign permit shall meet the requirements of Sections 479.07(9) and 479.11, F.S. In addition, ~~each an~~ application must comply with the requirements of the agreement between the ~~State of Florida state~~ and the United States Department of Transportation referenced in Section 479.02(1), F.S., ~~which have not been duplicated in Sections 479.07(9) and 479.11, F.S., or superseded by stricter provisions in those statutes.~~ The requirements are:

(1) Size.

(a) The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign facing including all embellishments.

(b) The maximum allowable height ~~of for~~ a sign facing is 30 feet.

(c) The maximum allowable length of a sign facing is 60 feet.

(d) The maximum area size limitations shall apply to each sign facing.

(e) Embellishments ~~shall may~~ not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.

(f) Signs containing both on-premise and off-premise advertising ~~shall may~~ not exceed 950 square feet, including all sign faces.

(2) Number of Sign Faces. There shall be no more than two faces ~~showing at one time for to~~ each sign facing showing at one time.

(3) Location. Signs ~~shall may~~ not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) For V-type or back-to-back signs to be counted as one sign for spacing purposes, the sign facings on such signs ~~shall must~~ be connected by the same sign structure or cross-bracing, or the sign structures ~~shall not be must be~~ located not more than 15 feet apart at their nearest point.

(b) Official signs, signs exempt under Section 479.16, F.S., and structures that are not permitted signs shall not be considered for purposes of determining compliance with spacing requirements.

(c) When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.

(d) No permit shall be issued for a sign located on, or visible from, any portion of the interstate highway system, which is outside the boundaries of an incorporated municipality, and which is within 500 feet of an interchange, intersection at grade, or rest area. Said 500 feet shall be measured along the interstate in the direction leading away

from the interchange, intersection at grade, or rest area, ~~from the beginning at the pavement of payment widening of at the exit from the main-traveled way, or the end of pavement widening of at the entrance to the main-traveled way on an interstate highway.~~ For the purposes of this subsection, all portions of the entrance and exit ramps ~~ramp~~ shall be considered part of an interchange.

(e) When a sign or a proposed sign is, or would be located within the controlled area and visible from any portion of the main-traveled way of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), F.S., the sign shall ~~must~~ meet the permitting requirements of and be permitted to, the roadway with the stricter controls both highways. ~~If the sign is visible to more than one roadway with the same level of control, the location must meet the permitting requirements of each roadway.~~

(5) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main-traveled way to the top of the highest sign face, excluding embellishments.

(6) Lighting. Signs may be illuminated except those which ~~contain, include, or are illuminated in any way~~ by any flashing, intermittent, or moving light. Flashing, intermittent, or moving light or lights embodied in a sign may be used to provide public service information. ~~Further, No~~ sign shall be ~~so~~ illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

(7) For ~~purposes of~~ compliance with Section 479.11(4), F.S., the 100 feet shall be measured from the property line. ~~When, except in cases where~~ a school or church is the applicant for a permit, or has given written permission for the placement of a sign, ~~In such cases~~ the 100 foot required distance shall be measured from the outer edges of the primary building, or primary building complex when the individual units of the complex are connected by covered walkways.

(8) For applications to be considered under the pilot program defined in Section 479.07(9)(c), F.S., the applicant must submit the following information in addition to the requirements of above Rule 14-10.004, F.A.C.:

(a) A copy of the local government adopted policy, ordinance, or other official document authorizing the placement of a new outdoor advertising sign on an interstate highway in exchange for the removal of an existing sign from areas specifically designated by the local government; and

(b) A copy of the agreement between the local government and the affected sign owner allowing such removal and replacement.

(9)~~(8)~~ Copies of the agreement between the State of Florida ~~state~~ and the United States Department of Transportation, referenced in Section 479.02(1), F.S., may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, 12-31-06, _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.:

RULE TITLE:

14-15.0081

Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes in the Toll Facilities Description and Toll Rate Schedule. Video toll rates on the Florida Turnpike System will be established the rates for and cash toll will be discontinued and cash payments will no longer be accepted at the tolling facilities on the Homestead Extension of Florida's Turnpike (H.E.F.T.), including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 338.2216, F.S., Florida's Turnpike Enterprise is implementing video tolling as an additional payment method in its toll collection operations. Video tolling customers, as defined in Rule 14-100.005, F.A.C., will be subject to the video toll rate. Video tolling will be known as "Toll-by-Plate" on the Turnpike System and the video toll rate will be known as the "Toll-by-Plate" toll rate. The Toll-by-Plate program will allow infrequent users of the Turnpike to benefit from uninterrupted travel however, SunPass toll rates will remain the lowest toll rate option for Turnpike customers because of the lower cost of collection. The facilities affected by the Toll-by-Plate toll rate will be Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike (H.E.F.T.), Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, and the Florida's Turnpike Enterprise segment of the Western Beltway, Part C. The effective date of the Toll-by-Plate toll rate will be the first day the facility is open to video toll traffic.

Approximately six months after the implementation of video tolling on the H.E.F.T., cash toll collection on the roadway will be discontinued. As a result, the cash toll rates on the H.E.F.T. including Miramar Toll Plaza, N.W. 27th Avenue and County Line Road will no longer be effective as of the date the cash collection toll booths are closed for removal, currently scheduled to be in February of 2011. Cash payment for tolls will still be accepted off the roadway through various payment methods, including a new cash payment option available at participating retail stores across the State of Florida.

RULEMAKING AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.155, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: October 15, 2009, 6:00 p.m.
 PLACE: This rule development workshop is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/all-electronic tolling/publicmeeting. For those persons wishing to participate who do not have access to the World Wide Web can attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:
 PLACE: Florida’s Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761

PLACES: Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309; Florida Department of Transportation, District 7, Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612; Snapper Creek Service Plaza, Materials Lab Training Room Mile Post 19, Florida’s Turnpike, Miami, FL 33186; Florida Department of Transportation, District 1, Mike Rippe Auditorium, 801 N. Broadway, Bartow, Florida 33831

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Senior Attorney and 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:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006,

October 26, 2006, January 15, 2007, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Rulemaking Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.155, 338.222, 338.2216, 338.231 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-100.005
 RULE TITLE: Video Tolling

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing a new rule under Rule Chapter 14-100, F.A.C., Part I: Tolls Enforcement, in order to implement a new method of electronic toll collection to be known as video tolling. This rule will establish set a process and administrative charge for video toll collection method implemented on the Florida’s Turnpike System.

SUBJECT AREA TO BE ADDRESSED: A new rule on video tolling and the associated administrative charges is being added.

RULEMAKING AUTHORITY: 334.044(2), 338.2216(1)(d) FS.

LAW IMPLEMENTED: 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS.

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

DATE AND TIME: October 15, 2009, 6:00 p.m.
 PLACE: The rule development workshop is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/all-electronic tolling/publicmeeting. Those persons not having access to the World Wide Web may attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:
 PLACES: Florida’s Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761; Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309; Florida Department of Transportation, District 7, Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612; Snapper Creek Service Plaza, Materials Lab Training Room, Mile Post 19, Florida’s Turnpike, Miami, Florida 33186; Florida Department of Transportation, District 1, Mike Rippe Auditorium, 801 N. Broadway, Bartow, Florida 33831

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna Hurt, Senior Attorney and 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:

14-100.005 Video Tolling.

(1) Purpose. The purpose of this rule is to establish the process of video tolling on the Florida Turnpike System toll roads. Video tolling provides a video based method for the collection of tolls without the need for a transponder, while improving efficiency, reducing customer delay, and enhancing safety.

(2) Definition. "Video Tolling" or "Toll-by-Plate" means is an image based toll collection system using photographic images of a vehicle's license plate to identify the customer responsible for toll payment.

(3) Process. If a vehicle passes through a toll collection facility and the toll payment was not made by either using cash or a transponder, a photographic image of the vehicle's license plate will be captured at the toll lane, and the first-listed registered owner of that vehicle will be considered the video toll customer. The license plate numbers (LPN) are extracted from the image of the vehicle's license plate and matched to the LPN for the video accounts registered with the Department. If no registered video account is found, the registered owner of the vehicle will be identified through a vehicle registration lookup process. The unregistered video toll customer will have 72 hours after the usage of the toll facility to contact the Department and establish a pre-paid toll account. If the video toll customer does not contact the Department within that 72 hour period and establish a pre-paid toll account, an invoice of the accrued toll amount and an administrative charge, applicable to the first fourteen days of transactions, will be mailed to the vehicle's registered owner for payment. Any subsequent invoices will be sent on at least a monthly.

(4) Establishment of accounts. Video accounts will be established by either the customer or the Department for the use of video tolling.

(a) Customers may establish a video account by registering the vehicle LPN and specifying a pre-paid or post-paid account.

(b) If a video account has not been established by a customer, the Department will establish an unregistered post-paid account following the customer's first use of video tolling. The customer will be the vehicle's registered owner as identified by review of the LPN image taken at the tolling facility, supplemented as necessary by identifying the vehicle's characteristics and subsequent LPN look up.

(5) Method of video toll payment. Video accounts can either be set up as pre-paid or post-paid accounts for payment of the video toll and administrative charges. Customers have the option of establishing and maintaining a registered pre-paid toll account via credit or debit card, cash, or check or money order deposits, from which applicable toll amounts are debited, or a post-paid toll account.

(a) Pre-Paid Video Accounts. Pre-paid video account customers, whose balance is insufficient to cover the accrued toll amounts for at least 15 days, are subject to an invoice for the full toll amount and applicable administrative charges.

(b) Post-Paid Video Accounts. Customers will receive an invoice on a scheduled billing cycle for post payment of toll amounts and applicable administrative charges.

(6) Video Toll Rate. Video toll customers shall pay a video toll rate, as established in Rule 14-15.0081, F.A.C., for each facility that offers video toll collection.

(7) Administrative Charges. The Department will establish and collect toll amounts to recover the costs of administering video tolling. In addition to paying the established video toll rates, an administrative charge will be added to each invoice.

(a) Video Accounts and Toll Collection. Video toll customers with post-paid accounts, as described under paragraph (5)(b) above, will be sent an invoice following the end of the billing cycle with the administrative charge added to the invoice, in addition to the unpaid toll amount.

(b) Assessment of administrative charges. Each invoice will include an administrative charge as set by the Department in the range of \$2-\$3 addition to the toll amount accrued in order to cover the additional costs of the Department, including reviewing photographic images of license plates captured at the toll collection facilities, generating and sending invoices, processing payments received, managing video accounts, and other related costs.

(8) Unpaid Invoice. A video toll customer has 30 days from the date on the invoice to pay the total toll amount and administrative charge. If the invoice has not been paid in full within those 30 days.

(9) A late payment notice with an additional administrative charge will be sent. If the total amount of unpaid tolls and administrative charges is not paid within 30 days after the date on the late payment notice, a Uniform Traffic Citation (UTC) will be created and sent to the customer for each individual unpaid toll transaction associated with the original invoice. A \$25.00 UTC fee will be applied to each citation in addition to the toll amount.

Rulemaking Authority 334.044(2), 338.2216(1)(d) FS. Law Implemented 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS. History—New _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-116.002
 RULE TITLE: Letters of Credit

PURPOSE AND EFFECT: The amendment is to allow letters of credit to be drawn on financial institutions outside the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the location of financial institutions on which letters of credit may be drawn.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 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: Deanna R. Hurt, Assistant General Counsel and 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:

14-116.002 Letters of Credit.

(1) through (2) No change.

(3) Requirements of Letter of Credit. Letters of credit shall be issued solely for the benefit of the Department. Letter of credit language must be approved by the Department's Comptroller and include the following:

(a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, F.S., shall not be required to be extended beyond the duration required by that section. If the letter of credit is not automatically extended for such additional one year period then at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail or courier, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station 42B, Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Department's Comptroller.

(b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw

down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the expiration date of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a bank or savings association is less than 35, the Department will notify the bank or savings association and the applicant/professional service provider/contractor by registered mail that if a substitute letter of credit is not received within 30 days of notification, the Department will draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the United States State of Florida and additionally must provide for draws by electronic presentation of a draft via facsimile transmission or electronic mail, or both.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(30), 334.187, 337.106, 337.175 FS. History--New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, 1-18-04, 2-18-09,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-11.006
 RULE TITLE: Enrollment Procedures for New Hires

PURPOSE AND EFFECT: To amend the rules to adopt revised forms and provide updated procedures.

SUBJECT AREA TO BE ADDRESSED: Revised forms and procedures for new hires and for roll-overs.

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

DATE AND TIME: Monday, October 12, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room) 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Cindy Morea, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32303, (850)413-1491; cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182; ruth.smith@sbafla.com

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-12.007
 RULE TITLE: Acceptance of Rollovers

PURPOSE AND EFFECT: To amend the rules to adopt revised forms and provide updated procedures.

SUBJECT AREA TO BE ADDRESSED: Revised forms and procedures for new hires and for roll-overs.

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

DATE AND TIME: Monday, October 12, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room) 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Morea, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32303, (850)413-1491; cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182; ruth.smith@sbafla.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.201	Prior Year Report Requirements

PURPOSE AND EFFECT: The Agency proposes to revise the rule related to Florida Hospital Uniform Reporting System and the rule requiring the submission of a Medicare cost report.

SUBJECT AREA TO BE ADDRESSED: The proposed change to the Florida Hospital Uniform Reporting System would eliminate Schedules; B-3, B-4a, C-7, D-1, D-2, E1a, E-1b, X-2, X-3, X-7, and X-7a. The proposed change to the prior year reporting requirements would eliminate the submission of a copy of the Medicare cost report.

RULEMAKING AUTHORITY: 408.061(2), 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.08, 408.061(2), 408.07(18), 408.15(8) FS.

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

DATE AND TIME: October 14, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ryan Fitch, 2727 Mahan Drive, MS 28, Tallahassee, FL 32308 or at (850)922-7754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 2009-1, September 2009 ~~2005-1, July 2005~~. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration’s rules.

(2) A copy of the current FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308-5403, or by downloading it free of charge from the Agency’s website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/index.shtml.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061(2), 408.07(18), 408.15(8) FS. History–New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, 3-16-03, 6-8-03, 9-12-05,_____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending on or after April 30, 2005 and with corresponding due dates beginning on or after August 29, 2005, the prior year actual report shall be submitted to the Agency using the computer software known as COMPASS. COMPASS has been developed by the Agency for the purpose of electronically filing the prior year actual report. COMPASS is a modified Microsoft Excel workbook that reproduces the FHURS worksheets pursuant to Rules 59E-5.102 and 59E-5.103, F.A.C., of this chapter. COMPASS also exports the worksheet data into a specifically defined comma separated text file for transmission to the Agency. Hospitals shall use COMPASS to keypunch the required data into the FHURS worksheet formats in accordance with Rule 59E-5.206, F.A.C. COMPASS will be provided to hospitals prior to the due date of the 2005 report in a timely manner free of charge. Hospitals shall not use an alternative version of COMPASS until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The COMPASS comma separated text file shall be returned to the Agency by electronic mail (E-mail) using normal electronic protocols for E-mail services. The COMPASS comma separated text file shall be attached to the E-mail message.

(b) The E-mail message shall be sent to the Agency on or before the due date of the report and shall contain the following information:

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.
5. "Submission Number" which is the COMPASS generated submission number listed on each worksheet at the time the report is exported.
6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" ~~on paper~~ that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) A signed copy ~~two paper copies~~ of the audited financial statements; ~~and~~

~~(e) One paper copy of the Medicare cost report.~~

(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, 9-12-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.088
 RULE TITLE: Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus (CDC+) Program in response to Legislative mandates per the Appropriations Act, adding 2,500 Developmental Disabilities Waivers consumers to the program by July 1, 2010. This will include guidelines specific to the Developmental Disabilities Medicaid Waivers CDC + Program such as definitions, rules, responsibilities, coverage, limitations and reimbursement.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program.

RULEMAKING AUTHORITY: 409.221 FS.

LAW IMPLEMENTED: 409.221 FS.

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

DATE AND TIME: Tuesday, October 13, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Vennie Smith, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)414-8599, e-mail: smithv@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.088 Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program.

Individuals enrolled in the Developmental Disabilities Medicaid Waivers Program for Consumer Directed Care Plus, along with all program representatives, consultants, employees, vendors, and Agency for Persons with Disabilities staff must be in compliance with the Developmental

Disabilities Medicaid Waivers Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook, July, 2010, which is incorporated by reference.

Rulemaking Authority 409.221 FS. Law Implemented 409.221 FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS..	RULE TITLES:
60L-39.001	Scope and Purpose
60L-39.0015	Definitions
60L-39.002	General Requirements
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.005	Application Procedures
60L-39.006	Duties and Responsibilities of the Fiscal Agent
60L-39.007	Appeals

PURPOSE AND EFFECT: The Department proposes substantial revisions to the rule in order to clarify and align provisions with statutory authority; facilitate automation of application procedures; and adopt revised forms.

SUBJECT AREA TO BE ADDRESSED: All administrative areas of the Florida State Employees' Charitable Campaign (FSECC), including definition of terms; the respective role of the State Steering Committee, the Department; the Fiscal Agent, and the local steering committees; eligibility criteria; application procedures; appeal process; and campaign activities.

RULEMAKING AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Matt Gregory, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)921-4618; matthew.gregory@dms.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-4.023	Food Protection Manager Certification and Public Food Service Employee Training

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the adopted Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs. The effect of the proposed rule development is to ensure food manager certification programs meet the current standards and maintain current accreditation and to comply with the statutory requirement to adopt standards consistent with the standards adopted by the Conference for Food Protection.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the standards adopted by the division for food manager certification.

RULEMAKING AUTHORITY: 509.032, 509.039, 509.049 FS.

LAW IMPLEMENTED: 509.039, 509.049 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-16.0010	Examination for Barber Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examiners in Practical Examinations; Criteria for Selection.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.002 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Reexamination.

RULEMAKING AUTHORITY: 455.217, 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.005 RULE TITLE: Endorsement

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Endorsement.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007 RULE TITLE: Examination for Restricted Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examination for Restricted Licensure.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.008 RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.010 RULE TITLE: Supervised Practice Exception

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Supervised Practice Exception.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-20.002	Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

RULEMAKING AUTHORITY: 455.213, 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-20.0075	Examination Review Fee

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examination Review Fee.

RULEMAKING AUTHORITY: 455.217, 476.2171FS.

LAW IMPLEMENTED: 455.217, 476.2171FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-16.001 RULE TITLE: Vessel Movements Requiring a State Pilot

PURPOSE AND EFFECT: To update and clarify language regarding vessel movements requiring a state pilot.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to review the rule for updates and clarification of language.

RULEMAKING AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.001, 310.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0036 RULE TITLE: Application For Certification Review Procedure

PURPOSE AND EFFECT: The purpose of this rule is to set forth the procedure by which applications for certification are reviewed for approval or denial.

SUBJECT AREA TO BE ADDRESSED: Certification For Licensure.

RULEMAKING AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.606, 468.609 FS.

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

DATE AND TIME: October 15, 2009, 1:00 p.m. ET.

PLACE: The Homewood Suites, 8745 International Drive, Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0036 Application For Certification Review Procedure.

(1) Applications which are determined to be complete will first be reviewed by the Department. If the application clearly demonstrates qualification for the certification sought, the Department shall preliminarily approve the application. A list of all applications preliminarily approved by the Department will be distributed to the Board on a monthly basis. Within ten (10) days of distribution of the list of preliminarily approved applications, a Board member may request that any application on the list be submitted to the Board for review in accordance with this Rule. All applications on the preliminarily approved list not selected for review by the Board within ten (10) days shall be approved by the Department.

(2) Applications will be referred to the Board if the Department determines that the applicant has not clearly demonstrated qualification for the certification sought. Applications referred to the Board will first be reviewed by the Application Review Committee. The Application Review Committee shall consist of a minimum of three (3) Board members who are licensed building code administrators, inspectors, or plans examiners, appointed by the Chair. The Chair may be a member of the Application Review Committee.

(3) The Application Review Committee shall review all applications for certification not otherwise approved and shall determine by majority vote whether to recommend approval or denial of each such application to the Board.

(4) The Application Review Committee's recommendations shall be provided to the Board, who shall then act on the Application Review Committee's recommendations at the next Board meeting. Any Board

member may request that any application for certification be pulled for discussion and/or individual determination by the Board.

Rulemaking Authority 468.606 FS. Law Implemented 455.203, 468.606, 468.609 FS. History—New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-113.100 Purpose

PURPOSE AND EFFECT: To incorporate by reference an Agreement between the Department of Environmental Protection (DEP) and Miami-Dade County (MDC) for delegation of a portion of the Environmental Resource Permit (ERP) program under Part IV of Chapter 373, F.S., to MDC. The delegation will include the authority for MDC to review and take agency action on applications for permits and petitions for variances of certain water quality provisions, compliance, enforcement, and formal determinations of wetlands and other surface waters within the designated boundaries of delegation. Activities located within the Comprehensive Everglades Restoration Project boundaries, activities in, on or over state-owned submerged lands, and certain other activities will not be delegated and will remain the responsibility of the DEP.

A Notice of Development of Rulemaking was originally published on August 17, 2007, in the Florida Administrative Weekly. A public rule development workshop on this delegation was held on October 9, 2007. Because it has been over one year ago, DEP is re-publishing this Notice of Development of Rulemaking.

SUBJECT AREA TO BE ADDRESSED: To incorporate by reference an Agreement in Rule 62-113.100, F.A.C., between the DEP and MDC that will delegate a portion of the ERP program under Part IV of Chapter 373, F.S., to MDC within a specified geographical area.

RULEMAKING AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 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: Mary VanTassel, Florida

Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC Tracking No. 05-2688)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-113.100 Purpose.

(1) No change.

(2) Delegations to political subdivisions.

(a) through (p) No change.

(q) #07-X: Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County [Effective Date].

(3) No change.

Rulemaking Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History—New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07, _____.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-11.001 Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.012 RULE TITLE: Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Acupuncture Certification.

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.008 RULE TITLE: Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the examination and delete the reference to Rule 64B2-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

RULEMAKING AUTHORITY: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.008 Retired Status License.

(1) No change.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must take and pass the SPEC examination ~~as set forth in Rule 64B2-11.001, F.A.C.~~, and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Rulemaking Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History–New 2-6-06, Amended

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-17.0055 RULE TITLE: Release of Medical Records; Reasonable Costs of Reproduction

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the fee charged for copying records.

SUBJECT AREA TO BE ADDRESSED: Release of Medical Records; Reasonable Costs of Reproduction.

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.057(4), (16) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001 RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.008
 RULE TITLE: Public Health Laboratory Personnel
 PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.
 SUBJECT AREA TO BE ADDRESSED: Public Health Laboratory Personnel.
 RULEMAKING AUTHORITY: 483.805(4) FS.
 LAW IMPLEMENTED: 483.812 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-6.001
 RULE TITLE: Manner of Application
 PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated version of the application form.
 SUBJECT AREA TO BE ADDRESSED: Manner of Application.
 RULEMAKING AUTHORITY: 483.805(4) FS.
 LAW IMPLEMENTED: 456.013, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.002
 RULE TITLE: Advertising and Soliciting by Dentists
 PURPOSE AND EFFECT: To add language regarding how dentists may advertise specialty recognition.
 SUBJECT AREA TO BE ADDRESSED: How dentists may advertise specialty recognition.
 RULEMAKING AUTHORITY: 466.004(4), 466.019 FS.
 LAW IMPLEMENTED: 466.019, 466.028(1)(d) 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-4.002 Advertising and Soliciting by Dentists.
- (1) through (2) No change.
- (3) No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:
 - (a) through (g) No change.
 - (h) States or implies that the dentist has received formal recognition as a specialist in any aspect of the practice of dentistry, unless the dentist has in fact received such recognition and such recognizing agency is approved by the Board. However, a dentist may use on letterhead or advertising a reference to the dentist’s specialty recognition received from

a recognizing agency that has not been approved by the Board only if the letterhead or advertising also contains in the same print size or volume the statement that "The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Dentistry." For purposes of this rule, the Board approves the dental specialty certifying agencies recognized by the American Dental Association and the Commission on Dental Accreditation as recognizing agencies, and such other recognizing agencies as may request and receive future approval by the Board.

(4) through (7) No change.

Rulemaking Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, 1-29-03, 2-26-06,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.001	Fees
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0031	Radiation Therapy Assistance by General Radiographers
64E-3.0032	Radiologist Assistant Duties and Supervision
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.004	Practice of Radiologic Technology by Applicants for Certification by Examination
64E-3.005	Written Examinations
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses
64E-3.010	Reactivation of Inactive Certificates
64E-3.011	Disciplinary Guidelines

PURPOSE AND EFFECT: Review this Chapter and amend and/or adopt new rule language as necessary to ensure that all rules conform with statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees, definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; scope of practice and prohibited practices; ethics; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation,

and relinquishment; investigations; discipline guidelines; national organizations; speciality boards; advisory council's recommendations.

RULEMAKING AUTHORITY: 381.0034(4), 468.302(3)(a), (3)(d), (3)(h), 468.303, 468.304(1), (2) (3)(e), 468.305, 468.306, 468.3065, 468.307(1), 468.309(1)(a), (2), (3), (5), (6), (7), 468.3095(1), (2)(a), 468.3101(4), (6) FS.

LAW IMPLEMENTED: 119.07, 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-35.001	Definitions
65C-35.002	Behavioral Health Services
65C-35.003	Authority to Provide Psychotropic Medications to Children and Youth in Out-of-Home Care Placements
65C-35.004	Parental and Caregiver Involvement
65C-35.005	Medication Monitoring
65C-35.006	Special Requirements for Children Ages Birth through 5 years
65C-35.007	Requests for Second Opinions
65C-35.008	Preconsent Review for Provision of Psychotropic Medications for Children Ages Birth through 5 Years

PURPOSE AND EFFECT: To promulgate rule as required by statute for the provision of psychotropic medications for children in out of home care.

SUBJECT AREA TO BE ADDRESSED: Psychotropic Medications.

RULEMAKING AUTHORITY: 39407(3)(g) FS.

LAW IMPLEMENTED: 39.407(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Becky Lyons, 1317 Winewood, Bldg. 1, Suite 303D, Tallahassee, FL 32399-0700, phone: (850)488-4110; email: becky_lyons@dcf.state.fl.us

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002
RULE TITLE: Investment Policy Guidelines
PURPOSE AND EFFECT: To adopt the revised Investment Policy Guidelines approved by the Trustees on July 28, 2009 and made effective July 1, 2009, reflecting the addition of information as to investment strategies, risks and other changes.

SUMMARY: Investment Policy Guidelines.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 218.412 FS.
LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17) FS.

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

DATE AND TIME: Monday, October 19, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafl.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.002 Investment Policy Guidelines.
The Local Government Investment Pool (Non-Qualified) Investment Policy Guidelines, as approved by the Trustees of the State Board of Administration on July 28, 2009, and made effective July 1, 2009, are hereby adopted and incorporated by reference. The Investment Policy Guidelines may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308; Attn.: Local Government Investment Pool Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Related Websites section.

Rulemaking Authority 218.412 FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), 218.409(9), 218.415(17) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: James Francis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the SBA

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.005
RULE TITLE: Informal Grievance
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency with changes to Form DC6-236, Inmate Request. Form DC6-236, incorporated by reference in Rule 33-103.019, F.A.C., is being amended to include a box that can be checked to indicate its use as an Informal Grievance; as a result, the proposed rule is amended to remove language specifically requiring an inmate to write this information on the form.