

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.002 General Provisions

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update of the specifications for general provisions for educator certification; revise official records of academic preparation required to satisfy certification eligibility requirements; and, adopt language to allow for acceptance of college course credits on an official American Council on Education (ACE) transcript.

SUBJECT AREA TO BE ADDRESSED: This rule will modify the requirements and implementation of general provisions of qualification for a Florida Educator’s Certificate.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoeorg or go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.003 Degrees, Programs, and Credits

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update of the specifications for degrees, programs, and credits to be determined as acceptable for

educator certification purposes; revise official records of academic preparation required to satisfy certification eligibility requirements; adopt language to allow for acceptance of college course credits on an official American Council on Education (ACE) transcript; revise official records of academic preparation completed at institutions outside the United States required to satisfy certification eligibility; and, revise criteria for the department’s approval of an education credential evaluation agency.

SUBJECT AREA TO BE ADDRESSED: This rule will modify the requirements and implementation of the degrees, programs, and credits acceptable and associated documentation required to qualify for a Florida Educator’s Certificate.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoeorg or go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.004 Florida Educator's Certificates with
Academic, Administrative, Degreed
Vocational, and Specialty Class Coverages

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: adopt specific requirements to be eligible for a temporary certificate in educational leadership.

SUBJECT AREA TO BE ADDRESSED: This rule will adopt the specific requirements and implementation of the application process for an individual to be eligible for a temporary Florida Educator’s Certificate in educational leadership.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1012.55, 1012.56 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.006 General and Professional Preparation

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update to ensure alignment with requirements for competency-based certification preparation programs; revision of requirements to demonstrate mastery of professional preparation; and, revision of requirements to satisfy practical teaching experience.

SUBJECT AREA TO BE ADDRESSED: This rule will modify the requirements and implementation of the general and professional preparation necessary to satisfy eligibility for a Florida Educator’s Certificate.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1004.04, 1004.85, 1012.56 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a

rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0012 Application Information

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update of the specifications to submit a complete application for a Florida Educator’s Certificate; and, revise official records of academic preparation required to satisfy certification eligibility.

SUBJECT AREA TO BE ADDRESSED: This rule will modify the requirements and implementation of the application process for a Florida Educator’s Certificate.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.585 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0051 Renewal and Reinstatement of a Professional Certificate

PURPOSE AND EFFECT: The purpose of this rule development is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update of the requirements specified for

renewal of the Professional certificate; update of the requirements for retention of certification coverages; update of the general requirements for renewal of a Professional certificate; and, update of the requirements specified for reinstatement of the Professional certificate.

SUBJECT AREA TO BE ADDRESSED: This rule will modify the requirements and implementation of the process for renewal or reinstatement of a Florida Professional Educator's Certificate.

RULEMAKING AUTHORITY: 1012.54, 1012.55, 1012.56, 1012.561, 1012.585, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 1012.585 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:

59C-1.0355 Hospice Programs

PURPOSE AND EFFECT: The agency is proposing to update the materials incorporated by reference and removes a regulation.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is being updated to include the 2012 Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report, deaths, and the 2012 Office of the Governor Florida Population Estimates and Projections by AHCA District 2010 to 2025 reports. This amendment also removes "a change in licensed bed capacity of a freestanding inpatient hospice facility" from this rule's regulation.

RULEMAKING AUTHORITY: 408.15(8), 408.034(3), (6) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS.

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

DATE AND TIME: July 18, 2013, 8:30 a.m. – 9:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida 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 1 days before the workshop/meeting by contacting: Marisol Fitch, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-3750. 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: Marisol Fitch, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-3750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0355 Hospice Programs.

(1) Agency Intent. This rule implements the provisions of Sections 408.034(3), 408.036(1)(d), and 408.043(2), F.S. It is the intent of the agency to ensure the availability of hospice programs as defined in this rule to all persons requesting and eligible for hospice services, regardless of ability to pay. This rule regulates the establishment of new hospice programs and the construction of freestanding inpatient hospice facilities as defined in this rule, ~~and a change in licensed bed capacity of a freestanding inpatient hospice facility~~. A separate certificate of need application shall be submitted for each service area defined in this rule.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "Approved Hospice Program." A hospice program for which the agency has issued an intent to grant a certificate of need, or has issued a certificate of need, and that is not yet licensed as of 3 weeks prior to publication of the fixed need pool.

(c) "Contractual Arrangement." An arrangement for contractual services, as described in Section 400.6085, F.S.

(d) "Fixed Need Pool." The fixed need pool defined in subsection 59C-1.002(19), F.A.C. The agency shall publish a fixed need pool for hospice programs twice a year.

(e) "Freestanding Inpatient Hospice Facility." For purposes of this rule, a facility that houses inpatient beds licensed exclusively to the hospice program but does not

house any inpatient beds licensed to a hospital or nursing home.

(f) "Hospice Program." A program described in Sections 400.601(3), 400.602(1), 400.609, and 400.6095(1), F.S., that provides a continuum of palliative and supportive care for the terminally ill patient and his family. Hospice services must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

(g) "Inpatient Bed." Inpatient beds located in a freestanding inpatient hospice facility, a hospital, or a nursing home and available for hospice inpatient care.

(h) "Local Health Council." The council referenced in Section 408.033(1), F.S.

(i) "Planning Horizon." The date by which a proposed new hospice program is expected to be licensed. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July 1 of the year 1 year subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January 1 of the year 2 years subsequent to the year the application is submitted.

(j) "Residential Facility." For purposes of this rule, a facility operated by a licensed hospice program to provide a residence for hospice patients, as defined in Section 400.601(5), F.S. A residential facility is not subject to regulation under this rule. Provided, however, that a proposal to convert such a residence to a freestanding inpatient hospice facility is subject to regulation under this rule.

(k) "Service Area." The geographic area consisting of a specified county or counties, as follows:

1. Service Area 1 consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Service Area 2A consists of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.

3. Service Area 2B consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Service Area 3A consists of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Service Area 3B consists of Marion County.

6. Service Area 3C consists of Citrus County.

7. Service Area 3D consists of Hernando County.

8. Service Area 3E consists of Lake and Sumter Counties.

9. Service Area 4A consists of Baker, Clay, Duval, Nassau, and St. Johns Counties.

10. Service Area 4B consists of Flagler and Volusia Counties.

11. Service Area 5A consists of Pasco County.

12. Service Area 5B consists of Pinellas County.

13. Service Area 6A consists of Hillsborough County.

14. Service Area 6B consists of Hardee, Highlands, and Polk Counties.

15. Service Area 6C consists of Manatee County.

16. Service Area 7A consists of Brevard County.

17. Service Area 7B consists of Orange and Osceola Counties.

18. Service Area 7C consists of Seminole County.

19. Service Area 8A consists of Charlotte and DeSoto Counties.

20. Service Area 8B consists of Collier County.

21. Service Area 8C consists of Glades, Hendry and Lee Counties.

22. Service Area 8D consists of Sarasota County.

23. Service Area 9A consists of Indian River County.

24. Service Area 9B consists of Martin, Okeechobee, and St. Lucie Counties.

25. Service Area 9C consists of Palm Beach County.

26. Service Area 10 consists of Broward County.

27. Service Area 11 consists of Dade and Monroe Counties.

(l) "Terminally Ill." As defined in Section 400.601(10), F.S., terminally ill refers to a medical prognosis that a patient's life expectancy is 1 year or less if the illness runs its normal course.

(3) General Provisions.

(a) Quality of Care. Hospice programs shall comply with the standards for program licensure described in Chapter 400, Part IV, F.S., and Chapter 58A-2, F.A.C. Applicants proposing to establish a new hospice program shall demonstrate how they will meet the standards.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, construction of a freestanding inpatient hospice facility, or change in licensed bed capacity of a freestanding inpatient hospice facility, shall not be approved unless the applicant meets the applicable review criteria in Sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a

hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) \geq 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HP) is the sum of $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$\begin{aligned} U65C &= (u65c/CT) \times PT \\ 65C &= (65c/CT) \times PT \\ U65NC &= (u65nc/CT) \times PT \\ 65NC &= (65nc/CT) \times PT \end{aligned}$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years.

The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from the Office of the Governor at least 3 months prior to publication of the fixed need pool. The following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report 2012 ~~2010~~, Deaths, and the Office of the Governor Florida Population Estimates and Projections by AHCA District 2010 ~~2000~~ To 2025 ~~2020~~, released February, 2012 ~~September, 2010~~. These publications are available on the Agency website at <http://ahca.myflorida.com/MCHQ/CONFA/Publications/index.shtml> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-01677>.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$\begin{aligned} P1 &= (Hu65c/Tu65c) \\ P2 &= (H65c/T65c) \\ P3 &= (Hu65nc/Tu65nc) \\ P4 &= (H65nc/T65nc) \end{aligned}$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (8) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (8) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) Licensed Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve a new hospice program for a service area unless each hospice program serving that area has been licensed and operational for at least 2 years as of 3 weeks prior to publication of the fixed need pool.

(c) Approved Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve another hospice program for any service area that has an approved hospice program that is not yet licensed.

(d) Approval Under Special Circumstances. In the absence of numeric need identified in paragraph (4)(a), the applicant must demonstrate that circumstances exist to justify the approval of a new hospice. Evidence submitted by the applicant must document one or more of the following:

1. That a specific terminally ill population is not being served.
2. That a county or counties within the service area of a licensed hospice program are not being served.
3. That there are persons referred to hospice programs who are not being admitted within 48 hours. The applicant shall indicate the number of such persons.

(e) Preferences for a New Hospice Program. The agency shall give preference to an applicant meeting one or more of the criteria specified in subparagraphs 1. through 5.:

1. Preference shall be given to an applicant who has a commitment to serve populations with unmet needs.
2. Preference shall be given to an applicant who proposes to provide the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.
3. Preference shall be given to an applicant who has a commitment to serve patients who do not have primary caregivers at home; the homeless; and patients with AIDS.
4. In the case of proposals for a hospice service area comprised of three or more counties, preference shall be given to an applicant who has a commitment to establish a physical presence in an underserved county or counties.
5. Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.

(5) Consistency with Plans. An applicant for a new hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community and other criteria contained in local health council plans and the State Health Plan. The application for a new hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant's development of a hospice program.

(6) Required Program Description. An applicant for a new hospice program shall provide a detailed program description in its certificate of need application, including:

- (a) Proposed staffing, including use of volunteers.
- (b) Expected sources of patient referrals.
- (c) Projected number of admissions, by payer type, including Medicare, Medicaid, private insurance, self-pay, and indigent care patients for the first 2 years of operation.
- (d) Projected number of admissions, by type of terminal illness, for the first 2 years of operation.

(e) Projected number of admissions by two age groups, under 65 and 65 or older, for the first 2 years of operation.

(f) Identification of the services that will be provided directly by hospice staff and volunteers and those that will be provided through contractual arrangements.

(g) Proposed arrangements for providing inpatient care (e.g., construction of a freestanding inpatient hospice facility; contractual arrangements for dedicated or renovated space in hospitals or nursing homes).

(h) Proposed number of inpatient beds that will be located in a freestanding inpatient hospice facility, in hospitals, and in nursing homes.

(i) Circumstances under which a patient would be admitted to an inpatient bed.

(j) Provisions for serving persons without primary caregivers at home.

(k) Arrangements for the provision of bereavement services.

(l) Proposed community education activities concerning hospice programs.

(m) Fundraising activities.

(7) Construction of a Freestanding Inpatient Hospice Facility. The agency will not normally approve a proposal for construction of a freestanding inpatient hospice facility unless the applicant demonstrates that the freestanding facility will be more cost-efficient than contractual arrangements with existing hospitals or nursing homes in the service area. The application shall include the following:

(a) A description of any advantages that the hospice program will achieve by constructing and operating its own inpatient beds.

(b) Existing contractual arrangements for inpatient care at hospitals and nursing homes; or, in the case of a proposed new hospice program, contacts made with hospitals and nursing homes regarding contractual arrangements for inpatient care.

(c) Anticipated sources of funds for the construction.

(8) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. The July report shall use AHCA Form 5000-3545, incorporated by reference within this rule and available on the Agency website at [http://ahca.myflorida.com/MCHQ/CON FA/Forms/index.shtml](http://ahca.myflorida.com/MCHQ/CON_FA/Forms/index.shtml). The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall use AHCA Form 5000-3546, incorporated by reference within this rule and available on the Agency website at <http://ahca.myflorida.com/MCHQ/CON FA/>

[Forms/index.shtml](#). The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The following detail shall also be provided.

(a) For the number of new patients admitted:

1. The 6-month total of admissions under age 65 and age 65 and over by type of diagnosis (e.g., cancer; AIDS).
2. The number of admissions during each of the 6 months covered by the report, by service area of residence.

(b) For the patient census on January 1 or July 1, as applicable, the number of patients receiving hospice care in:

1. A private home.
2. An assisted living facility.
3. A hospice residential unit.
4. A nursing home.
5. A hospital.

(9) Grandfathering Provisions. A hospice program licensed as of the effective date of this rule is authorized to continue to serve all counties in the service area where its principal place of business is located. A hospice program whose certificate of need or current license permits hospice services in a county or counties in an adjacent service area may continue to serve those adjacent counties. Any expansion to provide service to other counties in an adjacent service area is subject to regulation under this rule.

Rulemaking Authority 408.034(3), (6), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS. History—New 4-17-95, Amended 7-30-95, 7-21-09, 5-3-10, 10-14-12,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-28.100 Pharmacy Permits – Applications and Permitting

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language and incorporate the application regarding special sterile compounding permits.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permits – Applications and Permitting.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-28.802 Special Sterile Compounding Permits
PURPOSE AND EFFECT: The board proposes the rule development to clarify the requirements for a Special Sterile Compounding Permit.
SUBJECT AREA TO BE ADDRESSED: Special Sterile Compounding Permit.
RULEMAKING AUTHORITY: 465.005, 465.022 FS.
LAW IMPLEMENTED: 465.0196 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-13.001	Scope of Rules
12-13.003	Request for Settlement or Compromise
12-13.004	Delegation of Authority to Determine Settlements or Compromises
12-13.0063	Grounds for Finding Department Delay in the Determination of an Amount Due
12-13.0064	Relief for Inadvertent Sales and Use Tax Registration Errors
12-13.007	Grounds for Reasonable Cause for Compromise of Penalties
12-13.0075	Guidelines for Determining Amount of Compromise
12-13.008	Procedures for Compromise and Settlement of Taxes, Interest, and Penalties
12-13.009	Closing Agreements
12-13.010	Special Provisions Applicable to Compromise of Estate Taxes

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12-13, F.A.C. (Compromise and Settlement), is to: (1) update provisions for administering the Department's authority to compromise or settle outstanding liabilities for tax, penalty, interest, and service fees granted in Sections 212.07(9), 212.12(14), 213.21, 213.24(3), and 215.34(2), F.S.; (2) remove the requirement that a taxpayer's written request be required for the Department to settle or compromise such outstanding liabilities; and (3) remove unnecessary or redundant provisions.

SUMMARY: The proposed amendments to Rule 12-13.001, F.A.C. (Scope of Rules), provide that the rule chapter, as amended, includes provisions for the settlement or compromise of outstanding liabilities for tax, penalty, interest, and service fees, as provided in Sections 212.07(9), 212.12(14), 213.21, 213.24(3), and 215.34(2), F.S.

The proposed repeal of Rule 12-13.003, F.A.C. (Request for Settlement or Compromise), remove provisions regarding a taxpayer's request for settlement or compromise that are redundant of Rule 12-13.008, F.A.C. (Procedures for Compromise and Settlement of Taxes, Interest, and Penalties), as amended, and remove unnecessary provisions regarding requests for settlement or compromise that are not submitted to the Department in writing.

The proposed amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises), provide that delegations of authority

authorized pursuant to Section 213.21, F.S., by the Executive Director of the Department to settle or compromise a taxpayer's assessment will be in writing, signed by the Executive Director, and maintained by the agency clerk in the Office of the General Counsel.

The creation of Rule 12-13.0063 (Grounds for Finding Department Delay in the Determination of an Amount Due), includes the provisions of Section 213.21(3)(a), F.S., and provide when the Department will compromise interest to the extent that the delay in determining an amount due is attributable to the action or inaction of the Department.

The creation of Rule 12-13.0064 (Relief for Inadvertent Sales and Use Tax Registration Errors), provides, consistent with the provisions of Section 212.07(9), F.S., when a vendor or purchaser qualifies to pay a mandatory penalty instead of the taxes, penalties, and interest that would otherwise be due on transactions for which the purchaser did not pay tax to the vendor. The failure to pay the tax to the vendor must be based on a good faith belief that the transaction was a tax-exempt purchase for resale or was a tax-exempt purchase by a tax-exempt organization.

The proposed amendments to Rule 12-13.007, F.A.C. (Grounds for Reasonable Cause for Compromise of Penalties), remove: (1) a reference rendered obsolete by the proposed amendments to Rule 12-13.004, F.A.C.; and (2) requirements for taxpayers to submit the facts and circumstances of the exercise of ordinary care and prudence to the Department in writing, allowing the Department to document the facts and circumstances of the exercise of ordinary care and prudence by the taxpayer in the Department's records.

The proposed amendments to Rule 12-13.0075, F.A.C. (Guidelines for Determining Amount of Compromise): (1) provide when the Department is authorized under Section 213.21(10), F.S., to compromise sales tax penalties for failure to file a complete and accurate return, or for failure to timely pay the tax due on a return, when the taxpayer has one noncompliant filing event in the preceding 12-month period; (2) provide when the Department is authorized under Section 213.21(9), F.S., to settle or compromise any penalty imposed under Section 212.12, F.S., for failure to collect based on a good faith belief that the tax, surtax, or surcharge was not due; (3) provide when a dealer will not be held liable for tax, penalty, or interest under Section 212.12(14), F.S., when the dealer failed to apply the appropriate tax bracket system when collecting sales tax; (4) provide when the administrative collection processing fee imposed under Section 213.24(3), F.S., may be waived due to extraordinary circumstances; (5)

provide when the service fee for returned payments imposed by Section 215.34(2), F.S., will be compromised for unintentional errors by the taxpayer, the financial institution, or the Department; (7) clarify that the Department will compromise all penalties when payment of delinquent tax and interest results from voluntary, written self-disclosure; and (8) remove provisions redundant of Rule 12-13.007(9), F.A.C.

The proposed amendments to Rule 12-13.008, F.A.C. (Procedures for Compromise and Settlement of Taxes, Interest, and Penalties), provide that a taxpayer will only be required to submit a written request for compromise or settlement of outstanding liabilities for tax, penalty, interest, or service fees when: (1) the request to settle or compromise is for an amount greater than \$30,000; (2) the complexity of the issues involved requires that the taxpayer submit a written request to explain the issues; or, (3) the taxpayer asks to submit the request in writing. Department employees authorized to settle or compromise such outstanding liabilities continue to be required to document the facts and circumstances of the settlement or compromise in the Department's records.

The proposed amendments to Rule 12-13.009, F.A.C. (Closing Agreements): (1) remove provisions regarding the delegation of authority by the Executive Director of the Department that are unnecessary; and (2) remove the incorporation, by reference, of Form DR-812, Closing Agreement, which does not meet the definition of a "rule," as provided in Section 120.52(16), F.S., and is not required to be adopted as a rule.

The proposed amendments to Rule 12-13.010, F.A.C. (Special Provisions Applicable to Compromise of Estate Taxes), remove provisions regarding the delegation of authority by the Executive Director of the Department that are unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences the updates

to procedural rules regarding the compromise or settlement of outstanding liabilities for tax, penalty, interest, or service fees, and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 212.07(9)(c), 213.06(1), 213.21(5), (9) FS.

LAW IMPLEMENTED: 212.07(9), 212.12(14), 213.05, 213.015(18), (20), 213.21, 213.24(3), 215.34(2) 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: July 31, 2013, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Tammy Miller at (850)617-8347. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-13.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Executive Director or the Executive Director's designee, as set forth hereinafter, in the exercise of the authority to settle and compromise liability for tax, interest, ~~and penalty, and service fees~~ granted by Sections 212.07(9), 212.12(14), Section 213.21, 213.24(3), and 215.34(2), F.S. However, special provisions applicable to settlement and compromise of estate taxes, interest, and penalty imposed pursuant to Chapter 198, F.S., are set forth in Rule 12-13.010, F.A.C.

Rulemaking Authority ~~212.07(9)(c)~~, 213.06(1), 213.21(5), (9) FS. Law Implemented ~~212.07(9)~~, ~~212.12(14)~~, 213.05, 213.21, ~~213.24(3)~~, ~~215.34(2)~~ FS. History—New 5-23-89, Amended 8-10-92, 10-2-01, _____.

12-13.003 Request for Settlement or Compromise.

Rulemaking Authority ~~20.05(5)~~, 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21(2)(a), (3), (5) FS. History—New 5-23-89, Amended 8-10-92, 11-15-94, 10-2-01, Repealed.

12-13.004 Delegation of Authority to Determine Settlements or Compromises.

(1)(a) Authority to settle and compromise tax, interest, and penalty liabilities, and requests for refunds has, in addition to the statutory authorization in Section 213.21, F.S., been delegated to the Executive Director of the Department by the Governor and Cabinet as the head of the Department, pursuant to Rule 12-3.007, F.A.C.

(b) The Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests in all matters in litigation, including litigation pursuant to Section 72.011, F.S.

(c) In all other instances, the Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests where the amount of tax compromised is \$250,000 or less. Any tax compromise of more than \$250,000, excepting only those cases in litigation or those cases in which a taxpayer has reasonably relied on a written determination issued by the Department, must be approved by the Governor and Cabinet, as the head of the Department.

~~(2) Cases in Litigation.~~

~~(a) Authority is delegated to the Deputy Executive Directors, the General Counsel, and the Deputy General Counsel of the Department to settle and compromise tax, interest, or penalty in cases where a tax matter is in litigation pursuant to Section 72.011, F.S.~~

~~(b) Authority is delegated to any Assistant General Counsel to settle and compromise tax or interest of \$62,500 or less and penalty of \$125,000 or less.~~

~~(3) Cases in Protest. In cases involving a tax matter in protest, authority to settle and compromise is delegated as follows:~~

~~(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive Directors, the General Counsel, and the Deputy General Counsel.~~

~~(b) For compromise of amounts of tax or interest of \$62,500 each or less and of penalty of \$250,000 or less to any Assistant General Counsel.~~

~~(c) For compromise of the following amounts of tax, interest, or penalty to the Office of Technical Assistance and Dispute Resolution and the General Tax Administration Program:~~

Positions	Tax	Interest	Penalty
Technical Assistance and Dispute Resolution			
Director	\$125,000	\$125,000	Any Amount
Deputy Director	\$125,000	\$125,000	Any Amount
Revenue Program Administrators I and II	\$62,500	\$62,500	\$250,000
Senior Attorneys	\$12,500	\$12,500	\$75,000
Attorneys	\$12,500	\$12,500	\$75,000
Tax Law Specialists	\$12,500	\$12,500	\$75,000
Senior Tax Specialists	\$12,500	\$12,500	\$75,000
General Tax Administration Program			
Program Director	\$125,000	\$125,000	Any Amount
Deputy Program Director	\$125,000	\$125,000	Any Amount
Regional Managers	\$62,500	\$62,500	\$250,000
Service Center Managers	\$1,250	\$1,250	\$75,000
Tax Audit Supervisors	0	0	\$37,500
Tax Specialists	0	0	\$3,750
Revenue Specialist	0	0	\$3,750
Taxpayer Services Process			
Process Manager	\$62,500	\$62,500	\$250,000
Revenue Program Administrators	\$2,500	\$2,500	\$75,000
Tax Specialist Administrators	\$2,500	\$2,500	\$75,000
Revenue Administrators	\$2,500	\$2,500	\$75,000
Revenue Managers	\$1,250	\$1,250	\$12,500
Compliance Support Process			
Process Manager	\$62,500	\$62,500	\$250,000
Revenue Program Administrators	\$12,500	\$12,500	\$75,000
Tax Law Specialists	\$12,500	\$12,500	\$75,000
Senior Tax Specialists	\$12,500	\$12,500	\$75,000
Government Analysts II	\$12,500	\$12,500	\$75,000

(4) ~~Collection Cases. In cases involving a tax matter related to billings or assessments that have been referred for collection, authority to settle and compromise is delegated as follows:~~

~~(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive Directors, the General Counsel, and the Deputy General Counsel.~~

~~(b) For compromise of amounts of tax or interest of \$25,000 each or less and penalty of \$62,500 or less, to any Assistant General Counsel.~~

~~(c) For compromise of the following amounts of tax, interest, or penalty to the General Tax Administration Program:~~

Tax Specialist Administrators	\$ 2,500	\$ 2,500	\$ 75,000
Revenue Manager	\$ 1,250	\$ 1,250	\$ 12,500
Revenue Specialists	-0-	-0-	\$ 3,750

~~(5) Audit Cases. In cases involving an audit of the taxpayer, or an audit conducted pursuant to a refund request, prior to initiation of litigation pursuant to Section 72.011, F.S., or expiration of the period for initiating same, or upon initial receipt of a protest involving penalty issues only, authority to settle and compromise is delegated as follows:~~

~~(a) For compromise of amounts of tax of \$250,000 or less, and compromise of interest or penalty in any amount, to the Deputy Executive Directors, the General Counsel, and the Deputy General Counsel.~~

~~(b) For compromise of amounts of tax or interest of \$125,000 each or less and penalty in any amount, to the Program Director and Deputy Program Director in the General Tax Administration Program.~~

~~(c) For compromise of the following amounts of tax, interest, or penalty to the General Tax Administration Program:~~

Positions	Tax	Interest	Penalty
General Tax Administration Program			
Program Director	\$125,000	\$125,000	Any Amount
Deputy Program Director	\$125,000	\$125,000	Any Amount
Regional Managers	\$ 62,500	\$ 62,500	\$250,000
Service Center Managers	\$ 1,250	\$ 1,250	\$ 75,000
Revenue Administrators	\$ 1,250	\$ 1,250	\$ 12,500
Tax Specialists	\$ 1,250	\$ 1,250	\$ 12,500
Tax Audit Supervisors	-0-	-0-	\$ 37,500
Revenue Specialists	-0-	-0-	\$ 3,750
Taxpayer Services Process			
Process Manager	\$ 62,500	\$ 62,500	\$250,000
Revenue Program Administrators	\$ 2,500	\$ 2,500	\$ 75,000
Revenue Administrators	\$ 2,500	\$ 2,500	\$ 75,000
Tax Specialist Administrators	\$ 2,500	\$ 2,500	\$ 75,000
Revenue Managers	\$ 1,250	\$ 1,250	\$ 12,500
Tax Specialists	-0-	-0-	\$ 12,500
Revenue Specialists	-0-	-0-	\$ 3,750
Compliance Support Process			
Process Manager	\$ 62,500	\$ 62,500	\$250,000
Revenue Program Administrators	\$ 12,500	\$ 12,500	\$ 75,000
Returns and Revenue Process			
Process Manager	\$ 62,500	\$ 62,500	\$250,000

Positions	Tax	Interest	Penalty
General Tax Administration Program			
Program Director	\$125,000	\$125,000	Any Amount
Deputy Program Director	\$125,000	\$125,000	Any Amount
Regional Managers	\$ 62,500	\$ 62,500	\$250,000
Service Center Managers	\$ 1,250	\$ 1,250	\$ 75,000
Senior Tax Audit Administrators	\$ 1,250	\$ 1,250	\$ 75,000
Revenue Administrators	\$ 1,250	\$ 1,250	\$ 12,500
Tax Audit Supervisors	-0-	-0-	\$ 37,500
Tax Specialists	-0-	-0-	\$ 3,750
Revenue Specialist	-0-	-0-	\$ 3,750
Taxpayer Services Process			
Process Manager	\$ 62,500	\$ 62,500	\$250,000
Compliance Support Process			
Process Manager	\$ 62,500	\$ 62,500	\$250,000
Revenue Program Administrators	\$ 12,500	\$ 12,500	\$ 75,000
Tax Law Specialists	\$ 1,250	\$ 1,250	\$ 37,500
Senior Tax Specialists	\$ 1,250	\$ 1,250	\$ 37,500
Government Analysts II	\$ 1,250	\$ 1,250	\$ 37,500

~~(6) Refund Cases. In cases involving refund requests that have not been referred for audit, prior to initiation of litigation pursuant to Section 72.011, F.S., or prior to expiration of the period for initiating same, authority to settle and compromise is delegated as follows to the Office of General Counsel and to the General Tax Administration Program:~~

Positions	Tax	Interest	Penalty
Office of General Counsel			
General Counsel	\$250,000	Any Amount	Any Amount
Deputy General Counsel	\$250,000	Any Amount	Any Amount
General Tax Administration Program			
Program Director	-0-	-0-	Any Amount
Deputy Program Director	-0-	-0-	Any Amount
Refunds and Revenue Distribution Process			
Process Manager	-0-	-0-	\$100,000
Senior Tax Audit Administrator	-0-	-0-	\$ 30,000
Tax Audit Supervisors	-0-	-0-	\$ 5,000

~~(7) In all other circumstances not previously described in this rule, authority to settle and compromise tax in amounts of \$250,000 or less and interest and penalty in any amount is delegated to the Deputy Executive Directors, the General Counsel, and the Deputy General Counsel.~~

~~(2)(8)(a) When the Executive Director delegates authority to settle and compromise to specific employees or positions, as authorized by Section 213.21, F.S., that are not provided in this rule, the delegation will be in writing, signed by the Executive executive Director, and will be on a temporary basis pursuant to the following circumstances:~~

- ~~1. The issue assigned to the employee exceeds the monetary amount the employee is currently authorized to settle or compromise pursuant to this rule; or~~
- ~~2. The employee has assumed the duties of another employee who has authority, or a higher authority, to settle or compromise tax, interest, and penalty, and refund requests.~~

~~(b) A temporary delegation of authority to any employee or position will be for a specified time period of no more than 2 years.~~

~~(c) Such delegations cannot grant authority to compromise tax in excess of \$250,000.~~

~~(d) Copies of written delegations of authority are maintained on file with the agency clerk in the Office of General Counsel.~~

~~Rulemaking Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 10-24-96, 10-2-01, 10-4-04, 9-13-10, _____.~~

12-13.0063 Grounds for Finding Department Delay in the Determination of an Amount Due.

(1)(a) A taxpayer’s liability for interest associated in any of the chapters specified in Section 72.011 (1), F.S., will be settled or compromised, in whole or in part, to the extent that the Department finds that the delay in the determination of an amount due is attributable to the action or inaction of the Department.

(b) Only the portion of interest due that is attributable to the Department’s delay will be compromised. The compromises of interest will be made by the Executive Director or the Executive Director’s designee, in accordance with Rule 12-13.004, F.A.C., upon a determination that sufficient grounds exist to support a compromise or settlement.

(2) The compromise authority under this rule only arises if the Department has initiated an audit or inquiry documented in writing, and only to the interest that accrues if there is undue delay by the Department in pursuing the audit or inquiry. The taxpayer is not entitled to a compromise of interest based on the fact that the Department did not initiate an audit or inquiry at an earlier date.

(3) This provision does not apply when the delay is attributable to action or inaction on the part of the taxpayer such as:

- (a) Failure to produce adequate records;
- (b) Requests for extensions of time for the convenience of the taxpayer; or
- (c) Failure to timely respond to the Department’s requests for information.

~~Rulemaking Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.015(18), 213.21(3)(a) F.S. History—New _____.~~

12-13.0064 Relief for Inadvertent Sales and Use Tax Registration Errors.

(1) A vendor or purchaser will not be held liable for the tax, interest, or penalty that would otherwise be due when:

- (a) The purchaser did not pay to the vendor tax due on a taxable transaction based on a good faith belief that the transaction was a nontaxable purchase for resale or the transaction was exempt as a purchase by a tax-exempt organization; and,

(b) Instead of the taxes, penalties, and interest that would otherwise be due, the purchaser pays the mandatory penalties.

(2) To qualify, the purchaser must meet all of the following conditions:

(a) At the time of purchase, the purchaser was not registered as a dealer or did not hold a valid Florida Consumer's Certificate of Exemption issued by the Department;

(b) At the time of purchase, the purchaser was qualified to be registered with the Department as a dealer or was entitled to obtain a Florida Consumer's Certificate of Exemption;

(c) Before requesting application of the provisions of this subsection, the purchaser has registered as a dealer or has obtained a valid Florida Consumer's Certificate of Exemption;

(d) The transaction would otherwise qualify as a tax-exempt sale to the purchaser for resale or as a tax-exempt sale to an organization holding a valid Florida Consumer's Certificate of Exemption, except that the purchaser was not registered as a dealer or did not hold a valid Florida Consumer's Certificate of Exemption at the time of purchase; and

(e) The purchaser establishes justifiable cause for failure to register as a dealer or to obtain a Florida Consumer's Certificate of Exemption before making the purchase.

(3) The establishment of justifiable cause is demonstrated by such factors as:

(a) The complexity of the transaction;

(b) The purchaser's business experience and history;

(c) Whether the purchaser sought advice on its tax obligations, and whether the advice was followed; or,

(d) Any remedial action taken by the purchaser.

(4) The purchaser or vendor must apply for relief:

(a) Before the Department has initiated an audit or other action or inquiry; or

(b) If any audit or other action or inquiry has been initiated, within seven days after being informed in writing by the Department that the purchaser was required to be registered with the Department or to obtain a Florida Consumer's Certificate of Exemption.

(5) Instead of tax, penalties, and interest that would otherwise have been due on transactions, one of the following penalties must be paid by either the vendor or the purchaser when the purchaser or vendor:

(a) Applies for relief before an audit or other action or inquiry has been initiated by the Department, a mandatory penalty in the amount of the lesser of \$1,000 or 10 percent of the total tax due on qualifying transactions; or,

(b) Applies for relief after an audit or other action or inquiry has been initiated by the Department, a mandatory penalty in the amount of the lesser of \$5,000 or 20 percent of the total tax due on qualifying transactions.

(6) When tax, penalty, or interest have been waived under the provisions of this rule, any subsequent retail sale of any taxable item or service is subject to tax, plus any applicable penalties, interest, or service fees.

Rulemaking Authority 213.06(1), 212.07(9)(c) FS. Law Implemented 212.07(9), 213.015(20) F.S. History--New _____.

12-13.007 Grounds for Reasonable Cause for Compromise of Penalties.

~~(1)(a) The Executive Director or the Executive Director's designee, as enumerated in Rule 12-13.004, F.A.C., will make a determination of whether the taxpayer's noncompliance was due to reasonable cause and not to willful negligence, willful neglect, or fraud based on the facts and circumstances of the specific case. The standard used in this determination is shall be whether the taxpayer exercised ordinary care and prudence and was nevertheless unable to comply.~~

~~(b) The exercise of ordinary care and prudence may be demonstrated by facts and circumstances as stated in writing by the taxpayer. Additionally, in those cases when a Department employee has information or knowledge supporting the taxpayer's assertion of ordinary care and prudence, a finding of reasonable cause may be based upon such additional information or knowledge, provided the finding of reasonable cause is documented to reflect such information or knowledge.~~

~~(c) through (d) renumbered (b) through (c) No change.~~

~~(2) through (14) No change.~~

~~Rulemaking Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History--New 5-23-89, Amended 8-10-92, 5-18-94, 10-2-01, _____.~~

12-13.0075 Guidelines for Determining Amount of Compromise.

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

~~(3) Penalties Specific to Sales and Use Tax and Transient Rental Taxes.~~

~~(a) For purposes of this subsection:~~

~~1. "Sales tax or transient rental tax liability" means sales and use taxes, discretionary sales surtaxes, convention development taxes, tourist development taxes, and tourist impact taxes reported on a sales and use tax return and remitted to the Department.~~

2. “Noncompliant filing event” means the failure to timely file a complete and accurate sales and use tax return or failure to timely pay the amount of the tax reported on a sales and use tax return. Noncompliant filing events include:

a. Sales and use tax returns that are not timely filed;

b. Sales and use tax payments that are not timely remitted in full;

c. Incomplete or inaccurate sales and use tax returns; or,

d. Any sales tax or transient rental tax liability or delinquency that remains outstanding after 30 days from the date the Department issues notification to the taxpayer.

(b) The Department will settle or compromise penalty imposed under Section 212.12(1)(a) or (2)(a), F.S., for a noncompliant filing event without an oral or written request from the taxpayer under the following conditions:

1. For taxpayers who file sales and use tax returns and remit sales tax or transient rental tax liabilities monthly, or an alternative-period basis as provided in Rule 12A-1.056(1)(d), F.A.C., such penalties will be settled or compromised when the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved sales tax or transient rental tax liability resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period that was resolved through payment of tax and interest and the filing of a sales and use tax return within 30 days after notification by the Department, and no unresolved sales tax or transient rental tax liability resulting from a noncompliant filing event.

2. For taxpayers who file sales and use tax returns and remit sales tax or transient rental taxes quarterly, such penalties will be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved sales tax or transient rental tax liability resulting from a noncompliant filing event.

(c)1. The penalties under Section 212.12(1)(a) or (2)(a), F.S., imposed on any taxpayer who has had two or more noncompliant filing events in the immediately preceding 12-month period will be settled or compromised by the Department when the taxpayer demonstrates that the noncompliant filing event was due to extraordinary circumstances.

2. For purposes of this subsection, “extraordinary circumstances” means the occurrence of events beyond the control of the taxpayer, such as the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or

the nonfeasance or misfeasance of the taxpayer’s employees or representatives responsible for compliance with the taxpayer’s sales tax or transient rental tax liability. To demonstrate the nonfeasance or misfeasance of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

(4) Penalties Specific to Failure to Collect Certain Taxes.

(a) Any penalty imposed under Section 212.12, F.S., for failure to collect sales tax, discretionary sales surtax, convention development tax, or rental car surcharge will be settled or compromised when:

1. The taxpayer’s failure to collect the tax, surtax, or surcharge was based on a good faith belief that the tax, surtax, or surcharge was not due on a transaction; and

2. Because of the good faith belief that the transaction was not taxable, the taxpayer is now unable to charge and collect the tax, surtax, or surcharge from the purchaser.

(b) To request a compromise of penalties, the taxpayer must substantiate:

1. Why the taxpayer failed to collect the tax, surtax, or surcharge; and

2. Why the taxpayer is unable to collect the tax, surtax, or surcharge due on the transaction from the purchaser.

(5) Failure to Collect Sales Tax Based on the Tax Bracket System.

(a) When the Department determines that a dealer collected and remitted sales tax by rounding the tax due to the nearest whole cent and failed to apply the appropriate tax bracket system provided in Section 212.12, F.S., the dealer will not be held liable for additional tax, penalty, and interest when the dealer:

1. Acted in a good faith belief that rounding to the nearest whole cent was the proper method of determining tax;

2. Timely reported and remitted all sales taxes collected on each transaction, as required by Section 212.12, F.S.; and,

3. Executes a written agreement with the Department agreeing to future compliance with the laws and rules concerning brackets and the proper application of the tax bracket system to the dealer’s transactions.

(6) Administrative Collection Processing Fee.

(a) The Department will waive or reduce the administrative collection processing fee imposed under Section 213.24(3), F.S., when the taxpayer demonstrates that the failure to pay the full amount due on the initial notification

of the collection event within 90 days was due to extraordinary circumstances.

(b) For purposes of this subsection, “collection event” means when a taxpayer fails to:

1. Timely file a complete return;
2. Timely pay the full amount reported on a return; or
3. Timely pay the full amount due resulting from an audit after all appeal rights have expired or the result has been finally determined.

(c) For purposes of this subsection, “extraordinary circumstances” means the occurrence of events beyond the control of the taxpayer, such as the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer’s employees or representatives responsible for complying with the taxes and fees listed in Section 213.05, F.S., and the unemployment compensation tax. To demonstrate the nonfeasance or misfeasance of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the collection event and any notification of the collection event.

(7) Service Fees for Returned Payments. When an unintentional error committed by the issuing financial institution, the taxpayer, or the Department results in a draft, order, or check being returned to the Department, and the unintentional error is substantiated by the Department, the service fee for returned payments imposed by Section 215.34(2), F.S., will be compromised by the Department. When the unintentional error is attributed to the issuing financial institution, the taxpayer will be required to submit to the Department a written statement from the financial institution, providing details of the error.

(8)(3) Voluntary Self-Disclosure of Liability.

(a) When payment of delinquent tax and interest results from a voluntary, written self-disclosure by the taxpayer, which predates any contact with the taxpayer by the Department, the Department will compromise all penalties.

(b) No change.

(c) The presumption of reasonable cause does not apply when the taxpayer is registered with the Department or has routinely filed returns with the Department and the taxpayer’s self disclosure relates to a delinquency or deficiency that is obvious and would routinely generate a billing if not otherwise self disclosed.

(4) through (6) renumbered (9) through (11) No change.

(12)(7) Subsections (2) through (11)(6) are intended to provide examples and guidance to taxpayers and Department employees, but should not be construed to limit the compromise of penalties to only those circumstances described in such subsections. However, no compromise is

authorized in situations involving fraud, willful negligence, or willful neglect on the part of the taxpayer.

Rulemaking Authority 212.07(9)(c), 213.06(1), 213.21(5), (9) FS. Law Implemented 212.07(9), 212.12(14), 213.05, 213.21, 213.24(3) FS. History—New 8-10-92, Amended 10-2-01, _____.

12-13.008 Procedures for Compromise and Settlement of Taxes, Interest, and Penalties.

(1)(a) The Department will consider compromise or settlement of the taxpayer’s liability for tax, interest, or penalty, or service fees only upon its receipt of the taxpayer’s written request that the same be settled and compromised under Section 213.21(3), F.S. ~~A~~ However, a written request is not required to be submitted to the Department when: for the compromise or settlement of penalty and returned check service fee amounts of \$30,000 or less.

1. The request to settle or compromise is for an amount greater than \$30,000;
2. The complexity of the issue(s) involved requires that the taxpayer submit a written request that explains the issue(s); or,
3. The taxpayer asks to submit the request in writing.

(b) The taxpayer’s request ~~must~~ should include:

- 1.(a) The taxpayer’s name, address, and taxpayer identifying number;
- 2.(b) The type of tax and, if applicable, the type of penalty and service fees, and the taxable period(s) involved;
- 3.(c) The amount of tax, interest, or penalty, service fees involved; and
- 4.(d) A statement of the basis for settlement or compromise, including the facts and circumstances which substantiate the settlement or compromise following:

1. In the case of tax or interest, the taxpayer’s basis for doubt as to liability or collectibility, and the facts and circumstances which support the existence of such doubt; and
2. In the case of penalty, the taxpayer’s basis for reasonable cause, and the facts and circumstances which support the existence of reasonable cause and which indicate the absence of willful negligence, willful neglect, or fraud.

(2) When a Department employee has additional knowledge or information supporting the taxpayer’s request for compromise, the finding in support of a compromise may be based upon such knowledge or information, provided the basis for compromise is documented in writing.

(2)(3) A Department employee is authorized to settle or compromise tax, penalty, interest, or service fees within the employee’s authority when ~~it is determined that~~ sufficient evidence exists to support the settlement or compromise a finding of reasonable cause despite the fact that no written request has been made by the taxpayer. The authorized employee must document person exercising the facts and

~~circumstances of Department's authority shall prepare full documentation of any request and the settlement or compromise in, including the basis for finding reasonable cause, for the Department's record.~~

~~(4) The taxpayer's request for compromise shall be filed upon receipt of a billing, notice, proposed assessment, or assessment, and shall be filed with the office issuing such billing, notice, proposed assessment, or assessment. This subsection is intended to expedite requests for compromise and settlement of taxes, interest, and penalties, but it does not alter deadlines specified in Rule Chapter 12-6, F.A.C.~~

~~Rulemaking Authority 212.07(9)(c), 213.06(1), 213.21(5), (9) FS. Law Implemented 212.07(9), 212.12(14), 213.05, 213.21, 215.34(2) FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96, 10-2-01, _____.~~

12-13.009 Closing Agreements.

(1) No change.

(2) When a written closing agreement is necessary, the Department ~~will~~ shall prepare a ~~the agreement on form DR-812, Closing Agreement;~~ and forward it to the taxpayer. The taxpayer ~~must~~ shall sign the agreement and return it to the Department.

(a) through (c) No change.

~~(d) Any person delegated authority under this rule to compromise amounts of \$37,500 or more may sign a closing agreement on behalf of the Department, after determining that the compromise action complies with these rules. The Executive Director shall have discretionary authority to delegate authority to sign closing agreements to specific employees or positions not enumerated in these rules. A delegation of authority to any employee or position which is not enumerated herein shall be in writing, signed by the Executive Director, and shall be for a specified time period of no more than 2 years. Such delegations may be renewed in writing. Copies of any such written delegations of authority shall be maintained on file with the Agency Clerk in the Office of General Counsel.~~

(3) A closing agreement signed by the taxpayer and the appropriate authority within the Department ~~settles, as set forth herein, shall settle~~ the taxpayer's liability for tax, interest, or penalty for the tax period specified in the agreement absent any specific provision to the contrary contained in such closing agreement. The closing agreement ~~is~~ shall be binding upon the taxpayer and the Department unless there is a showing of fraud or misrepresentation of material fact, or unless the Department is required to make an adjustment of the taxpayer's liability under Section 220.23 or 198.16, F.S. The taxpayer ~~is~~ shall not be entitled to protest or institute judicial or administrative procedures to recover any tax, interest, or penalty paid pursuant to a closing agreement

absent any specific provision to the contrary contained in such closing agreement.

(4) No change.

~~(5) Form DR-812, Closing Agreement, dated May 1994, is hereby adopted by reference as the form used by the Department of Revenue for the purposes of this rule. A copy of this form is available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3 2000, 5050 West Tennessee Street, Tallahassee, Florida 32399 0112; or, 2) faxing the Distribution Center at (850)922 2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922 3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352 3671; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

~~Rulemaking Authority 212.07(9)(c), 213.06(1), 213.21(5), (9) FS. Law Implemented 212.07(9), 212.12(14) ~~210.55(1)(a)4~~, 213.05, 213.21, 213.24(3), 215.34(2) FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96, 10-2-01, 4-26-10, _____.~~

12-13.010 Special Provisions Applicable to Compromise of Estate Taxes.

(1) Pursuant to Section 213.21(2)(b), F.S., the Executive Director is granted authority to compromise and settle the amount of taxes arising as a result of Chapter 198, F.S.; Section 213.21(3), F.S., authorizes the Department to compromise or settle tax, penalty, or interest in any amount. If a case involves a billing or assessment issued by or referred to the Taxpayer Services Process, authority to compromise and settle is delegated as set forth in subsection 12-13.004(4), F.A.C., for collection cases. If a case is protested, authority to compromise and settle is delegated as set forth in subsection 12-13.004(3), F.A.C. If a case is in litigation, authority to compromise and settle is delegated as set forth in subsection 12-13.004(2), F.A.C.

(2) through (3) No change.

~~Rulemaking Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 8-10-92, Amended 5-18-94, 10-2-01, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2891-2893), to advise the public of the proposed changes to Rule Chapter 12-13, F.A.C. (Compromise and Settlement), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

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. The purpose of the proposed amendments to Rule 12-16.004, F.A.C. (Delegation of Authority), is to provide how the Executive Director of the Department will designate those authorized positions.

SUMMARY: The proposed amendments to Rule 12-16.004, F.A.C. (Delegation of Authority), provide that: (1) the Executive Director of the Department is authorized to issue a delegation of authority to designate those positions authorized to enter into consent agreements with a taxpayer; and (2) such delegations will be in writing, signed by the Executive Director, and maintained by the agency clerk in the Office of the General Counsel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the delegation of authority granted by the Executive Director of the Department as provided by law and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor

would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 213.06(1) FS.

LAW IMPLEMENTED: 213.23 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: July 31, 2013, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Tammy Miller at (850) 617-8347. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-16.004 Delegation of Authority.

(1) In addition to the statutory authority granted by Section 213.23, F.S., the Executive Director of the Department has authority to enter into consent agreements or extensions of consent agreements with taxpayers under authority granted by the Governor and Cabinet acting as the head of the Department. Cross Reference: Rule 12-3.007, F.A.C.

(2) The Executive Director of the Department is authorized to issue a delegation of hereby delegates authority setting forth those positions authorized to enter into consent agreements and extensions of consent agreements with taxpayers under Section 213.23, F.S. Any such delegation, to the following designated positions in the Department:

~~(a) The Deputy Executive Director, the General Counsel, the Deputy General Counsel, and the Assistant General Counsels.~~

~~(b) Within Technical Assistance and Dispute Resolution:
 1. The Director and Deputy Director of Technical Assistance and Dispute Resolution; and~~

~~2. All Revenue Program Administrators, Senior Attorneys, Attorneys, Tax Law Specialists, and Senior Tax Specialists in Technical Assistance and Dispute Resolution;~~

~~(c) Within the General Tax Administration Program:~~

~~1. Director's Office The Program Director, Deputy Program Director, Regional Managers, Service Center Managers, Senior Revenue Consultants, Tax Audit Supervisors, Revenue Administrators, Senior Tax Specialists, Tax Auditors, Tax Specialists, and Revenue Specialists.~~

~~2. Compliance Support Process The Process Manager, Revenue Program, Tax Law Specialists, Senior Tax Specialists.~~

~~3. Taxpayer Services Process The Process Manager, Revenue Program Administrators, Revenue Administrators, Tax Specialist Administrators, Revenue Managers, and Revenue Specialists.~~

~~4. Refunds and Distribution Process The Process Manager.~~

~~5. When the Executive Director delegates authority to enter into consent agreements to specific employees or positions that are not provided in this rule, the delegation of authority will be in writing, signed by the Executive Director, and will be for a specified time period. The renewal of such delegations will also be in writing, signed by the Executive Director. Copies of written delegations of authority are maintained on file with the agency clerk in the Office of General Counsel.~~

Rulemaking Authority 213.06(1) FS. Law Implemented 213.23 FS. History—New 12-28-88, Amended 3-16-93, 12-2-03, 9-13-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, p. 2893), to advise the public of the proposed amendment to Rule 12-16.004, F.A.C. (Delegation of Authority), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: RULE TITLES:

12A-12.001 New Tire Fee

12A-12.0011 Battery Fee

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), and Rule 12A-12.0011, F.A.C. (Battery Fee), is to clarify the application of the new tire fee and the battery fee imposed by Sections 403.718 and 403.7185, F.S., and reorganize the rules to improve readability and simplify provisions regarding the fees.

SUMMARY: The proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee): (1) reorganize the rule to improve readability and simplify provisions regarding the new tire fee imposed by Section 403.718, F.S.; (2) clarify that the fee is applicable when a new motor vehicle tire is sold to a governmental entity or a tax-exempt entity; (3) clarify the term “motor vehicle,” for purposes of the fee, providing examples of various types of vehicles and whether the tires sold for use on such vehicles are subject to the fee; (4) provide that tires used on racing vehicles that are not operated on Florida highways are not subject to the new tire fee; (5) revise the suggested exemption certificate used to purchase tires for vehicles that are not subject to the fee; and (6) put dealers on notice of the requirement to maintain the exemption certificates in their records.

The proposed amendments to Rule 12A-12.0011, F.A.C. (Battery Fee): (1) reorganize the rule to improve readability and simplify provisions regarding the lead-acid battery fee; (2) clarify that the fee imposed by Section 403.7185, F.S., is applicable when a battery is sold to a governmental entity or a tax-exempt entity; (3) adopt the revised provisions of Rule 12A-12.001, F.A.C., regarding the definition of “motor vehicle” for purposes of the fee; and (4) clarify the definition of a “new” lead-acid battery and a “remanufactured” lead-acid battery for purposes of the fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public with information and rules on the imposition of statutorily imposed fees, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 212.07(1)(b), 212.17(1)(a), (6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 212.07(1)(b), 212.12, 212.17(1)(a), 403.717, 403.718, 403.7185 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: July 31, 2013, 11:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Tammy Miller at (850)617-8347. 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: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6735

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-12.001 New Tire Fee.

(1)(a) ~~Section 403.718, F.S., imposes For the privilege of engaging in business, a fee for each new motor vehicle tire sold at retail in this state is imposed at the rate of 50 cents for each new tire sold during 1989 and at the rate of \$1 for each new motor vehicle tire sold at retail in this state during 1990 and subsequent years.~~

~~(b)(2)~~ The fee is imposed upon the dealer selling the new motor vehicle tire and not upon the purchaser.

~~(c)~~ The fee is applicable even when the sale of a new motor vehicle tire is to any governmental agency or any organization that holds a Florida Consumer's Certificate of Exemption.

~~(d)(3)~~ The fee is required to be stated separately on the sales invoice or other tangible evidence of sale given to the purchaser.

~~(e)(4)~~ No change.

~~(2)(5)~~ For purposes of this rule:

~~(a)~~ "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

~~(b)~~ "Vehicle" means a mechanism or device in, upon, or by which a person or property is or may be transported.

~~(a)(e)~~ "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property, and propelled by power other than muscular power. Any vehicle that has been designed for the primary purpose of carrying multiple passengers in addition to a driver or operator is considered as being used to transport persons. Any vehicle that has been designed for the primary purpose of carrying freight, baggage, or bulk materials or bulk liquids is considered as being used to transport property. The term specifically includes such off-road vehicles as golf carts, all terrain vehicles, race cars, and goats. The term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, mopeds, farm tractors and farm trailers, or vehicles that are not intended to transport persons or property. For example, a riding mower is not a motor vehicle since its purpose is to mow, not to serve as a means of transportation. However, a vehicle which is used exclusively in an airport to transport passengers from one gate to another serves as a means of transportation and is considered to be a motor vehicle.

1. The term motor vehicle also includes:

a. All-terrain vehicles or ATVs, as defined by Section 317.0003, F.S.

b. Golf carts, as defined by Section 320.01, F.S.

c. Trucks defined as "goats" by Section 320.08, F.S.

d. Utility vehicles, as defined by Section 320.01, F.S.

2. The term motor vehicle specifically does not include:

a. Bicycles.

b. Electric personal assistive mobility devices, commonly known as Segways, as defined by Section 316.003(83), F.S.

c. Farm tractors, as provided by Section 320.51, F.S.

d. Farm trailers, as provided by Section 320.51, F.S.

e. Forklift trucks, motorized pallet trucks, or other similar industrial equipment used in warehouse or supply yard operations.

f. Mopeds, as defined by Section 320.01, F.S.

g. Racing vehicles that run exclusively at a "closed-course motorsport facility," as defined by Section 549.09, F.S., or at a "motorsports entertainment complex," as defined by Section 549.10, F.S.

h. Special mobile equipment, as defined by Section 316.003(48), F.S., such as traction engines, road rollers, motor graders, haulers, backhoes, wheel loaders, or other similar heavy-duty vehicles requiring specialized off-the-road tires or continuous tracks.

i. Vehicles that are designed with the specific primary purpose of performing work and are not intended to transport persons or property, such as aircraft pushback tractors or riding mowers, regardless of the fact that an operator or materials are also being carried during the performance of the work.

j. Wheelchairs, including powered models.

(b)(4) "New tire" or "new motor vehicle tire" is one that has never been used in the movement of a motor vehicle, regardless of the time that has elapsed since the tire it was manufactured, offered for sale, sold, or the time during which it was used as a spare tire. A tire is not "new" for purposes of this rule if it has been so used, including a tire that has been used but has been recapped or retreaded. The terms include the original retail sale of a spare tire as a component part of a new motor vehicle.

(c)(e) The term "sales tax resale certificate" or "certificate" means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale, as provided in Rule 12A-1.039, F.A.C.

(d) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(f) The terms "sold at retail" and "retail sales" include the sale of a new motor vehicle tire as a separate item or the sale of the tire as a component part of a new or used motor vehicle that is sold at retail. However, they do not include the sale of new motor vehicle tires to a person solely for the purpose of resale, as provided in subsection (6).

1. Example: A tire retailer sells a new tire to a customer to put onto his motor vehicle. Since this is a retail sale of the new tire, the retailer is required to separately state the fee on the customer's invoice and to pay the fee on this sale.

2. Example: A motor vehicle dealer sells at retail a new or used motor vehicle on which there are four new tires. This retail sale of the vehicle is, for purposes of the fee, a retail sale of the new tires that are a component part of the vehicle. The

motor vehicle dealer is required to separately state the fee on the customer's invoice and to pay the fee on this sale.

(g) A sale of a new tire is "in this state" and, thus, is subject to the fee if the sale is "in this state" for sales tax purposes, including a sale that is a "mail order sale", as defined in Section 212.0596(1), F.S.

(h) The term "sale" means and includes any transfer of title or possession, or both, exchange, barter, license, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of a new tire for a consideration.

(3)(a) The new tire fee imposed by Section 403.718, F.S., applies to retail sales of new motor vehicle tires, whether sold separately or as a component part of a new or used motor vehicle sold at retail in Florida.

(b) Retail sales of new motor vehicles are subject to the fee.

(c) Retail sales of used motor vehicles are considered as having been made with used tires and are not subject to the fee unless the sales invoice indicates that a new tire or tires have been installed by the dealer prior to sale.

(6)(a)1. The sale of a new motor vehicle tire to a person solely for the purpose of resale is not a "retail sale", as defined in paragraph (5)(e), provided the subsequent retail sale in this state is subject to the fee and the seller shall have taken from the purchaser a certificate to the effect that the tire was purchased for resale.

2. Example: Motor vehicle dealer A purchases four new tires and puts them onto a used vehicle to be sold. No fee is payable by the seller of the tires if the seller takes a sales tax resale certificate from Dealer A. Thereafter, Dealer A sells the vehicle, onto which the new tires were put, to motor vehicle Dealer B. No fee is payable by Dealer A if it takes a sales tax resale certificate from Dealer B. Dealer A should clearly indicate on the invoice to Dealer B that there are four new tires on the vehicle on which the fee has not been paid. When Dealer B sells the vehicle at retail, Dealer B must separately state the fee on the invoice to the purchaser and pay the fee.

(4)(a)(b) A motor vehicle dealer can purchase one or more tires exempt from the fee as a sale for resale by presenting a sales tax resale certificate to the seller of the tires. If However, if thereafter the motor vehicle dealer subsequently withdraws any such tire from inventory to use on the dealer's own vehicle, to give away, or for any purpose except for resale, the motor vehicle dealer will owe the fee at the time the tire is withdrawn from inventory. If the motor vehicle dealer sells the tire at retail, whether separately or installed on a motor vehicle, that sale will be subject to the fee. If the motor vehicle dealer resells the tire to a dealer purchaser who presents a sales tax resale certificate, no fee will be due on that transaction.

~~(b)(e)~~ Motor vehicle Notwithstanding paragraphs ~~(6)(a)~~ and ~~(b)~~ above, ~~used car~~ dealers that exclusively sell used motor vehicles may elect to pay the fee to the tire wholesaler on the purchase of tires instead in lieu of purchasing tires exempt from the tire fee. If the used motor vehicle ~~used car~~ dealer elects to do so, the ~~used car~~ dealer must pay the tire fee to the tire wholesaler on all its purchases of tires. ~~The used car dealer must indicate on the sales tax resale certificate issued to the tire wholesaler that the certificate is to be used to exempt the purchases of tires from sales tax only and not from the tire fee.~~ For the purpose of the tire fee only, the wholesale tire dealer is to treat the sale as a retail sale and must separately state the tire fee on the sales invoice to the used motor vehicle ~~used car~~ dealer. On subsequent retail sales by the used motor vehicle ~~used car~~ dealer, the ~~used car~~ dealer must state in the contract or on the sales invoice to the purchaser that the applicable tire fee has been previously paid ~~to the state on the tires sold, whether sold separately or as a component part of a motor vehicle.~~

~~(5)(d)~~ A sale to a motor vehicle leasing company of a new motor vehicle tire or a vehicle of which a new motor vehicle tire is a component part is not a retail sale for purposes of the fee when if the leasing company gives the seller a sales tax resale certificate. Instead, the fee is payable by the leasing company when it first puts the vehicle into use in this state.

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

~~(7)(a)(8)~~ When there is a sale of a new tire that can either be used on a “motor vehicle,” ~~as that term is defined in paragraph (5)(e),~~ or on a farm tractor, farm trailer, or other equipment that is specifically excluded from that definition, it will be presumed to be purchased for use on a “motor vehicle” unless the purchaser gives to the seller at the time of purchase a certificate to the effect that the new tire will be used on a farm tractor, farm trailer, or other equipment that is specifically excluded from that definition. The exemption certificate must be retained by the selling dealer until the fee imposed under Section 403.718, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

~~(b)~~ The following is a suggested exemption certificate to be completed by a purchaser and presented to the seller ~~and to be retained in the seller’s records as evidence that the tire or tires purchased were not for use on a “motor vehicle”, and that, therefore, no fee on the transaction was due by the seller:~~

EXEMPTION CERTIFICATE
TIRE FEE

The undersigned hereby certifies that the new tire(s) listed on the attached sales invoice or purchase order will be used exclusively on the following type of vehicle or equipment, which is excluded from the definition of “motor vehicle,” as provided by paragraph 12A-12.001(2)(a), Florida Administrative Code:

- _____ Farm tractor
- _____ Farm trailer
- _____ Other (specify) _____

I understand that if I fraudulently issue this certificate to evade the payment of the fee imposed on a new tire I will be liable for payment of the fee, plus a penalty of 200% of the fee, and may be subject to conviction of a third degree felony.

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

Purchaser’s Name _____
By (Purchaser’s Signature) _____
Date _____

Rulemaking Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b) FS. Law Implemented 212.07(1)(b), 212.12, 212.17(1)(a), 403.717, 403.718 FS. History– New 1-2-89, Amended 10-16-89, 12-16-91, 3-20-96, 6-19-01,_____.

12A-12.0011 Battery Fee.

~~(1)(a)~~ Section 403.7185, F.S., imposes For the privilege of engaging in business, a fee at the rate of \$1.50 for each new or remanufactured lead-acid legalized battery sold at retail in this state is imposed on each person engaging in the business of making retail sales of lead-acid batteries within this state.

~~(b)~~ The fee is payable one time only on the sale of a new or remanufactured battery.

~~(c)~~ The fee is payable if the new or remanufactured battery is sold as a component part of a motor vehicle, vessel, or aircraft or other property.

~~(d)~~ Notwithstanding paragraphs (a) and (b), the fee is not payable if the battery is sold to recycle components.

~~(b)(2)~~ The fee is imposed upon the dealer selling the new or remanufactured lead-acid battery and not upon the purchaser.

~~(c)~~ The fee is applicable even when the sale of a new or remanufactured lead-acid battery is to any governmental agency or any organization that holds a Florida Consumer’s Certificate of Exemption.

~~(3)~~ While the fee is payable on the retail sale of a new or remanufactured battery only if the battery, as defined in paragraph (a) of subsection (6), is designed for use in motor vehicles, vessels, and aircraft, the fee is payable even if a battery so designed is purchased for use on other machinery or equipment or when sold at retail as a component part of other machinery or equipment.

~~(d)(4)~~ The dealer is not required may choose whether to state the fee separately on the invoice to the purchaser. However, if the fee is separately stated on the invoice, the fee must be included in the price upon which any tax imposed by Chapter 212, F.S., is computed, whether or not the additional cost is passed on to the purchaser; and the dealer may choose

~~whether to absorb all or part of the fee and whether to advertise or hold out to the public that it is doing so.~~

~~(5) The fee is to be included in the price upon which sales or use tax or any other tax imposed by Part I of Chapter 212, F.S., is computed, even though the fee may be listed as a separate item on the invoice.~~

~~(2)(6) For purposes of this rule:~~

~~(a) A "lead-acid battery" is a starting, marine, or deep-cycle battery storage or secondary battery containing lead plates that will function as a battery when the electrolyte is added, and that is designed for use in motor vehicles, vessels, and aircraft.~~

~~(b) "Motor vehicle" means motor vehicles as provided in Rule 12A-12.001, F.A.C. an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property, and propelled by power other than muscular power. The term specifically includes such off-road vehicles as golf carts, all terrain vehicles, race cars, and goats. The term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, mopeds, farm tractors and farm trailers, or vehicles that are not intended to transport persons or property. For example, a riding mower is not a motor vehicle since its purpose is to mow, not to serve as a means of transportation. However, a vehicle which is used exclusively in an airport to transport passengers from one gate to another serves as a means of transportation and is considered to be a motor vehicle.~~

~~(c) A "new" lead-acid battery is one that has never been used in the operation of a motor vehicle, vessel, or aircraft, regardless of the time that has elapsed since the battery was manufactured. The term "resale certificate" or "sales tax resale certificate" means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale.~~

~~(d) A "remanufactured" lead-acid battery is one that has gone through an industrial process including the removal of sulfation to restore the battery's original electrical capacity. A remanufactured battery is not a used battery that has only been recharged. The term "sale" means and includes any transfer of title or possession, or both, exchange, barter, license, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of a lead acid battery for a consideration.~~

~~(e) The term "resale certificate" or "sales tax resale certificate" means an Annual Resale Certificate issued by a dealer to make tax exempt purchases for the purposes of resale, as provided in Rule 12A-1.039, F.A.C. The term "sold at retail" includes the sale of a new or remanufactured lead-acid battery as a separate item or as a component part of a vehicle, vessel, aircraft, or other machinery or equipment that contains a battery designed for use in a motor vehicle, vessel,~~

~~or aircraft. The term "sold at retail" does not include the sale of a lead acid battery to a person solely for the purpose of resale, as provided in subsection (7), or the sale of a lead acid battery for the purpose of recycling its component parts.~~

~~1. Example: A battery retailer sells a lead acid battery to a customer to put into his motor vehicle. Since this is a retail sale of the battery, the retailer is required to pay the fee on this sale.~~

~~2. Example: A motor vehicle dealer imports into this state a new motor vehicle in which there is a lead acid battery already installed. The battery fee must be paid by the dealer when the dealer sells the new vehicle at retail.~~

~~3. Example: Lead acid batteries are sold to a dealer who gives the seller a resale certificate as proof that the batteries are purchased for resale. This sale of the batteries to the dealer is not, for purposes of the fee, a retail sale of the batteries.~~

~~4. Example: A lead acid battery that is designed for use in a motor vehicle, vessel, or aircraft is sold to a father to put into his child's toy which uses a car battery. The fee is payable by the retailer, since the battery is so designed, even though it was purchased for another use.~~

~~5. Example: A new or remanufactured lead acid battery that is designed for use in an automobile is sold to a farmer to put into a farm tractor or other machinery that is not a "motor vehicle". The fee is payable by the retailer, since the battery is designed for use in a "motor vehicle", even though it was purchased for use in machinery that is not within that definition.~~

~~(f) A retail sale of a new or remanufactured lead acid battery is "in this state" and, thus, is subject to the fee, if the sale is "in this state" for sales tax purposes, including a sale that is a "mail order sale," as defined in Section 212.0596(1), F.S.~~

~~(3)(a) Section 403.7185, F.S., imposes a fee on retail sales of new or remanufactured lead-acid batteries, whether sold separately or as a component part of a motor vehicle, vessel, or aircraft.~~

~~(b) Retail sales of new motor vehicles, vessels, or aircraft are subject to the fee.~~

~~(c) Retail sales of used motor vehicles, vessels, or aircraft are considered as having been made with a used battery and are not subject to the fee, unless the sales invoice indicates that a new or remanufactured battery has been installed by the dealer prior to sale.~~

~~(4)(a) The fee imposed by Section 403.7185, F.S., is applicable to retail sales of lead-acid batteries, even if that battery is purchased for other uses.~~

~~(b) Example: A person goes to an auto parts store and purchases an automobile battery for use with an emergency electrical generator. The fee is imposed on the sale of the battery since it was designed for use in a motor vehicle.~~

(c) Example: A rural farm supply store does not have the exact model and size battery recommended by the manufacturer for a farmer's tractor. However, the farm supply store does have an automobile battery that will be able to start the farmer's tractor. The fee is imposed on the sale of the battery, even though it will be installed in a vehicle that is not defined as a motor vehicle.

~~(5)(7)(a)~~ The sale of a new or remanufactured lead-acid battery to a dealer person solely for the purpose of resale is not subject to the fee imposed by Section 403.718 F.S. a "sale at retail," as defined in paragraph (6)(d), provided the seller shall have taken from the purchaser a sales tax resale certificate to the effect that the battery was purchased for resale. A resale certificate given to the seller for sales tax purposes will also be sufficient evidence that the sale was not a retail sale for purposes of the fee.

(b)1. If a dealer purchases a new or remanufactured battery for resale, and later withdraws the battery from inventory to use in the dealer's own motor vehicle, vessel, aircraft, machinery, or other equipment; to give away; or for any purpose other than for resale, that dealer will owe the fee at the time the battery is withdrawn from inventory.

2. Example: Motor vehicle Dealer A purchases a new or remanufactured lead-acid battery for installation to install in a used vehicle to be sold. No fee is payable by the battery seller, when if the seller takes from Dealer A extends a sales tax resale certificate. When Dealer A will not owe the fee when takes the battery is installed out of inventory to put into the vehicle that is to be sold, that dealer will not owe the fee at that time, but the dealer will owe the fee, when the vehicle is sold at retail. However, if Dealer A sells the vehicle, in which the battery has been installed, to motor vehicle Dealer B to sell it at retail, the fee will not be payable by Dealer A, when if he takes from Dealer B extends a resale certificate. The, but the fee will be payable by Dealer B, when that dealer if he subsequently sells the vehicle it at retail.

(c) Dealers that exclusively sell used motor vehicles, used vessels, or used aircraft may elect to pay the battery fee to the battery wholesaler on the purchase of batteries instead of purchasing batteries exempt from the fee. If the dealer elects to do so, the dealer must pay the fee to the battery wholesaler on all its purchases of batteries. The motor vehicle, vessel, or aircraft dealer is not required to indicate on the sales invoice to its retail customer that the applicable battery fee has been paid.

~~(6)(e)~~ A sale to a leasing company of a new or remanufactured lead-acid battery, or motor vehicle, vessel, or aircraft in or vehicle or machinery of which the lead-acid

battery is a component part, is not a retail sale for purposes of the fee, when if the leasing company purchaser gives the seller a sales tax resale certificate. Instead, the fee is payable by the leasing company when it first puts the motor vehicle, vessel, or aircraft into use in this state.

~~(7)(8)~~ No change.

Rulemaking Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1), 403.7185(3)(b) FS. Law Implemented 212.07(1)(b), 212.12, 212.17(1)(a), 403.717(1)(b), (h), 403.7185 FS. History—New 10-16-89, Amended 12-16-91, 3-20-96, 4-2-00, 6-19-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6735

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 20, 2012 (Vol. 38, No. 29, pp. 2902- 2903), to advise the public of the proposed amendments to Rule 12A-12.001, F.A.C. (New Tire Fee), and Rule 12A-12.0011, F.A.C. (Battery Fee), and to provide that, if requested in writing, a rule development workshop would be held on August 8, 2012. No request was received by the Department. No written comments were received by the Department.

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.0185 Medication Practices

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 128, July 2, 2013 issue of the Florida Administrative Register.

The correct date and time of the Rule Development Workshop for this rule will be August 20, 2013 at 9:30 a.m.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Professions

RULE NO.: RULE TITLE:
61-20.011 Citations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with Section 120.54(3)(d)a., F.S., published in Vol. 39, No. 78, April 22, 2013, issue of the Florida Administrative Register.

61-20.011 Citations.

(1) No change.

~~(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.~~

(3) Citations shall be issued for the first two occurrences ~~offenses~~ of the same violation only.

(4) The Department shall issue a citation including a penalty for each applicable statutory or rule violation set forth below. The verbal identification of violations ~~offenses~~ are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

(a) through (g) No change.

~~(5) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety, and welfare, such potential for harm must be removed prior to issuance of the citation.~~

(6) No change.

~~(7) With regards to first offenses, the Department's Office of the General Counsel shall return any complaint, which fits the violation descriptions above, to the Division of Regulation for the issuance of a citation, where appropriate.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida, Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-20.006 Enforcement Resolution, Costs and Civil Penalties.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with Section 120.54(3)(d)a., F.S., published in Vol. 39, No. 101, May 23, 2013, issue of the Florida Administrative Register.

61B-20.006 Enforcement Resolution, Costs and Civil Penalties.

(1) through (5) No change.

(6) In addition to the penalties established in this rule section, the division reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law.

(a) Cost of Onsite Reviews and Investigations. Expenses charged pursuant to this subsection are computed in the manner prescribed by Section 112.061, Florida Statutes. The division will seek to collect from a developer, association, officer, director, bulk buyer, or bulk assignee the actual cost of an onsite review or investigation under Section 781.501(1)(d)8., F.S. as verified by the agency travel reimbursement approved under Section 112.061, F.S. When the amount paid by an applicant, registrant, or other person for an onsite review or investigation is in excess of the actual cost, the division shall refund the excess amount within 7 days of discovering the excess payment.

(b) Additionally, the division reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages imposed by law if a developer submits a bad check to the division.

(7) No change.

Rulemaking Authority 718.501(1)(d)4.,(f), 718.50153 FS. Law Implemented 718.501(1)(d)4., 718.50153 FS. History--New 6-4-98, Amended_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Professions

RULE NO.: RULE TITLE:
61B-21.003 Enforcement Resolution, Costs and Civil Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with Section 120.54(3)(d)a., F.S., published in Vol. 39, No. 101, May 23, 2013, issue of the Florida Administrative Register.

61B-21.003 Enforcement Resolution, Costs and Civil Penalties.

(1) through (5) No change.

(6) In addition to the penalties established in this rule chapter, the division reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law.

(a) Cost of Onsite Reviews and Investigations. Expenses charged pursuant to this subsection are computed in the manner prescribed by Section 112.061, Florida Statutes. The

division will seek to collect from a developer, association, officer, director, bulk buyer, or bulk assignee the actual cost of an onsite review or investigation under Section 781.501(1)(d)8., F.S. as verified by the agency travel reimbursement approved under Section 112.061, F.S. ~~When the amount paid by an applicant, registrant, or other person for an onsite review or investigation is in excess of the actual cost, the division shall refund the excess amount within 7 days of discovering the excess payment.~~

(b) Additionally, the division reserves the right to seek to recover any costs, penalties, attorney’s fees, court costs, service fees, collection costs, and damages imposed by law if an association submits a bad check to the division.

(7) No change.

Rulemaking Authority 718.501(1)(d)4., (f), 718.50153 FS. Law Implemented 718.501(1)(d), 718.50153 FS. History—New 6-4-98, Amended _____.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER13-45 Performance Management Program

SUMMARY: This emergency rule set forth the provisions for the Florida Lottery’s Performance Management Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-45 Performance Management Program.

(1) Purpose. This rule sets forth the provisions governing the Florida Lottery’s Performance Management Program (“Program”). The Program provides for an annual review and evaluation of the work performance of all Florida Lottery employees in the areas of technical expertise, professional excellence and customer satisfaction. The Program connects an employee’s work performance to the Lottery’s strategic business plan and subsequent achievement of the Lottery’s business goals.

(a) An employee’s performance measures will be based on the performance goals for that employee’s work unit, as specified in the strategic business plan.

(b) The Florida Lottery’s Performance Management Program serves the following purposes:

1. Provides all employees with the opportunity to clearly understand and focus upon annual performance expectations.

2. Identifies improvement needs to enhance future individual, and ultimately organizational, performance.

3. Motivates all employees to improve skills and job knowledge to ensure consistent professional and technical expertise.

4. Documents and tracks an employee’s performance against the strategic goals of the employee’s work unit and ultimately the strategic goals of the Lottery.

5. Documents an employee’s eligibility for salary adjustments or one-time lump sum payments upon the availability of such funding.

6. Provides a basis for monitoring and improving the overall performance and productivity of the Florida Lottery’s work force.

(2) Definitions. For the purpose of administering this rule, the following definitions shall apply:

(a) Designated Evaluation Date – The date selected by the Lottery which begins the 60-day period during which annual evaluations shall be completed. The Lottery may select up to four (4) designated evaluation dates per calendar year in order to accommodate operational needs.

(b) Evaluation Period – The annual period of time covered by the performance plan.

(c) Overall Rating – The employee’s level of performance for the evaluation period, which is derived as follows:

1. Calculate the average of all of the individually-rated performance expectations. In calculating this average, all digits three or more places to the right of the decimal shall be dropped. No rounding shall be used in this calculation.

2. Locate the numeric range in which the calculated average falls on the below chart and assign the corresponding overall rating.

OVERALL RATING SCALE	
NUMERIC RANGE	OVERALL RATING
4.50 – 5.00	Outstanding
3.50 – 4.49	Commendable
3.00 – 3.49	Satisfactory
2.50 – 2.99	Needs Improvement
2.49 and below	Unsatisfactory

(d) Performance Evaluation – A written assessment of an employee’s performance of assigned duties and responsibilities as reflected in the employee’s performance expectations and documented on a performance evaluation form.

(e) Performance Expectation – A statement that describes satisfactory performance of an essential duty or responsibility as listed in the position description or satisfactory demonstration of an attribute or value that the agency deems

necessary for the accomplishment of its core missions. For purposes of this rule, a duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position.

(f) Performance Plan – A written notification prepared by the supervisor that identifies the performance expectations by which the employee will be evaluated during the evaluation period.

(g) Performance Improvement Plan (PIP) – The Performance Improvement Plan allows the supervisor to provide the employee with a structured method to correct performance deficiencies, by allowing an employee to improve performance based on a rating of “Below Expectation” or “Unacceptable.”

(h) Supervisor – The employee’s current immediate supervisor or a designated managerial employee who has knowledge of the employee’s duties, responsibilities and job performance.

(3) Procedures.

(a) Work Plan.

1. Following consultation with executive management, a work plan shall be developed by the immediate supervisor. The work plan should identify the employee’s performance expectations, key work activities and responsibilities, and be prioritized in accordance with the Lottery’s strategic objectives. The work plan should correspond to the employee’s position description in terms of functional accountability, knowledge, experience and skills.

2. The supervisor shall conduct a performance planning session with the employee to review the work plan, the performance expectations and the rating scale. The supervisor shall also provide the employee an opportunity for feedback regarding the expectations. The work plan shall be signed by the supervisor and the employee, indicating that the work plan has been discussed. A copy of the signed work plan shall be made available to the employee.

(b) Supervisor duties. The supervisor shall:

1. Conduct an oral work plan session with each employee at the beginning of every evaluation period and provide a copy of the work plan to the employee.

2. Conduct written and oral performance evaluations of his/her employees at least annually. Such evaluations must be completed within sixty (60) calendar days following the Designated Evaluation Date.

3. Provide employees with coaching and meaningful feedback regarding job performance throughout the evaluation period.

4. Timely inform the employee in writing of any performance deficiencies that could result in a “Below Expectation” or “Unacceptable” rating and the necessary

corrective action to be taken prior to the end of the evaluation period.

5. Meet with the employee to review the annual performance evaluation. The supervisor shall provide the employee with a final rating for each work activity and related responsibility. Both the supervisor and the employee shall sign and date the final rating. A copy of the final rating shall be provided to the employee and the original placed within the employee’s personnel file in Human Resource Management.

(c) New Hire Procedures. For new hires, work plans shall be completed within approximately one month of the employee’s hire date. The annual review shall be conducted provided the employee was hired prior to March 1. The initial work plan shall cover the period from the hire date through June 30. Thereafter, the employee shall be evaluated annually.

(d) At a minimum, a written performance evaluation shall include:

1. A rating of the employee’s job performance during the evaluation period for each performance expectation identified in the performance plan. Each performance expectation shall be measured using the following scale.

<u>RATING</u>	<u>NUMERIC SCALE</u>	<u>INDIVIDUAL PERFORMANCE EXPECTATIONS RATING SCALE DEFINITION AND EXAMPLES</u>
<u>Exceptional</u>	<u>5</u>	<u>Employee consistently exceeds the performance expectation. This employee requires little or no supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee’s performance shows highly advanced job knowledge and outstanding initiative. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.</u>
<u>Above Expectation</u>	<u>4</u>	<u>Employee consistently meets and often exceeds the performance expectation. This employee requires minimal supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses a thorough knowledge of the job, shows a high level of initiative, and often solves or assists in solving complex problems.</u>

<u>Meets Expectation</u>	3	<u>Employee consistently meets and may occasionally exceed the performance expectation. This employee requires moderate supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.</u>
<u>Below Expectation</u>	2	<u>Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation. At times the employee requires close supervision when he/she should be operating on his/her own. The employee is sometimes unproductive, and sometimes lacks the initiative and/or the necessary job knowledge to execute his/her duties and responsibilities.</u>
<u>Unacceptable</u>	1	<u>Employee consistently fails to meet the designated performance expectation. This employee is often unproductive, requires close supervision and his/her work requires continual correction. The employee's job knowledge and initiative is lacking and is insufficient to meet daily requirements.</u>
<u>N</u>	<u>None given</u>	<u>No longer applicable or unable to determine.</u>

2. Comments relating to the employee's job performance for each performance expectation.

3. The overall rating of the employee's job performance during the evaluation period, which shall not be adjusted or affected by the ratings of any other employees being rated.

4. At the Lottery's discretion, performance plans and evaluations may be reviewed by a higher level authority and comments may be provided. However, completed performance plans and evaluations shall not be changed by a higher level authority.

(4) Employees with an overall rating of either "Needs Improvement" or "Unsatisfactory" shall be considered not to have met their performance expectations for the position during that evaluation period. In some cases, a supervisor might find it necessary to develop and implement a Performance Improvement Plan (PIP) for an employee. A PIP

is created at the discretion of the supervisor following consultation with executive management. A PIP may be up to 90 days in duration; however, at any time that a PIP is in effect an employee may be separated or demoted at the discretion of the Lottery Secretary.

(5) Employees who do not receive a performance evaluation within sixty (60) calendar days following the Lottery-designated evaluation date shall be considered to have met their performance expectations as documented on their performance plan, and will receive a rating of "Meets Expectation" for each performance expectation and an overall rating of "Satisfactory".

(6) A description of training and educational opportunities for the employee may be included as part of the performance planning/evaluation process.

(7) The performance evaluation shall be signed by the supervisor and the employee. The signature of the employee shall indicate only that the employee's job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the supervisor's assessment of his/her performance. The employee may attach written comments to the performance evaluation form in response to the evaluation.

(8) A performance evaluation is considered to be complete when it has been discussed with the employee and the employee has signed the evaluation. The evaluation shall be included in the employee's personnel file, and a copy shall be made available to the employee.

Rulemaking Authority 24.105(9)(j), 24.109(1)) FS. Law Implemented 24.105(19)(d) FS. History--New 7-1-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: July 1, 2013

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF MANAGEMENT SERVICES
Technology Program

RULE NO.: RULE TITLE:
60FF-5.003 State Grant Programs (Transferred to 60FF1-5.003)

BEFORE THE FLORIDA DEPARTMENT OF
MANAGEMENT SERVICES DIVISION OF
TELECOMMUNICATIONS

PETITION FOR VARIANCE FROM RULE 60FF-5.003
Petitioner, Charlotte County, by and through its undersigned
counsel, pursuant to Section 120.542, Florida Statutes, hereby

requests a variance from Rule 60FF-5.003, Florida Administrative Code, and in support of thereof states:

1. Charlotte County applied for and received a grant, Grant S4-11-06-03 ESI Net Install.
2. Rule 60FF-5.003(b)6., Florida Administrative Code, states "[e]xpiration of the right to incur costs: Two years from receipt of award and funds."
3. Charlotte County has been diligently working with Cassidian to get this project accomplished by the deadline. However, the deadline is June 30, 2013, and while the project is close to being installed, it will not be possible to have it completed in time.
4. When the grant was requested, the Cassidian ESI Net was in beta testing in Catawba, North Carolina. It was expected to be finished soon after the grant was applied for; however, there were delays in the beta testing.
5. In order to move forward on this project, Charlotte County agreed to be a beta test site for Cassidian, issued a Purchase Order, and received the equipment.
6. The technical issues are complex and have taken more time than projected and scheduled. More specifically, Cassidian and Intrado immediately began working on the technical specifications to be able to deliver the calls through the Cassidian equipment. However, the engineers have had to consider various technical options to make the project work due to the diverse nature of our ESinet (County fiber, microwave network and Intrado IEN network) and the PSAP setups that we cannot afford to lose.
7. Intrado indicated that they are close to having a solution, but they will not be able to have it ready by June 30, 2013, because their engineers are not available until July 29, 2013, at the earliest. In the meantime, however, Cassidian can install their equipment so it will be ready when Intrado is able to connect and deliver calls to it.
8. The State's rule limiting the "expiration of the right to incur costs" to "two years from receipt of award and funds" needs to be varied to allow more time because of the unique situation presented by Cassidian and Intrado experiencing complex technological difficulties with beta testing, integrating systems, and installing a new interface, all of which are outside of Charlotte County's control. Strict application of the two year time frame would create a substantial hardship for Charlotte County or would violate the principles of fairness. A substantial hardship is present because the two year time limit rule presents an economical and technological hardship to the County. Charlotte County does not have sufficient funds to pay for this project and it requires the grant funding for completion. Additionally, the principles of fairness would be violated by the literal application of the rule because the rule affects Charlotte County in a manner significantly different from the way it affects other counties. Counties that are not upgrading to Next Generation technology do not have to worry about complex technological difficulties experienced with beta testing, integrating systems, and installing a new interface.
9. In compliance with Subsection 120.542, Florida Statutes, Charlotte County hereby states:
 - a. The rule from which a variance is requested is 60FF-5.003, Florida Administrative Code.
 - b. The type of action requested is a variance of the rule to allow the grant to survive an additional ninety (90) to one-hundred eighty (180) days. The requested variance is only temporary.
 - c. The specific facts that would justify the rule variance are stated in paragraphs 3 through 8 above.
 - d. The variance would serve the purpose of the underlying statute. The underlying statute, Paragraph 365.172.(6)(a)3.b., Florida Statutes, allows monies to be used by the board as needed to provide grants to counties for the purpose of upgrading E911 systems. The requested monies would serve these purposes. Extending the grant an additional ninety (90) to one-hundred eighty (180) days would allow Charlotte County to take the next step and move forward with Next Generation technologies. Charlotte County currently has 9-1-1 calls being delivered to our agency via IP, converted to CAMA, and then converted back to IP. It is Charlotte County's goal to remove all legacy technology and remove the CAMA trunks that have fully functional IP to IP connectivity. Installing this new ESI Net Interface Module will allow this to occur. With a dedicated public safety grade IP network to an IP enabled CPE, a whole host of Next Generation services are possible. This includes text messaging, A9-1-1 Media, and A9-1-1 data applications, and it becomes possible for policy based routing. Additionally, Charlotte County would be grateful to have the opportunity to begin receiving text messaging as well as other Next Generation information as soon as it is provided by the cellular companies, which should be in the very near future. Not only does Charlotte County want to be leaders in

the industry by being able to deliver Next Generation services to our community, but having this technology in place will result in a time savings for the caller from when the call is placed to the time it is received in the PSAP. By reducing the hardware that the calls have to pass through, it will ultimately reduce the time taken before the call is answered in the dispatch center. In addition to time reduction, it will also reduce chances for a single point of failure due to additional hardware required to convert IP to CAMA and back to IP.

10. The County's address is: Charlotte County, 18500 Murdock Circle #573, Port Charlotte, FL 33948-1094, phone number (941)743-1330 and fax number (941)743-1550. The County's point person of contact for this petition shall be the undersigned attorney at the contact information provided below.

WHEREFORE, based on these facts and circumstances, Charlotte County hereby requests a ninety (90) to one-hundred eighty (180) day extension from the date of approval in order to schedule the engineers and have the interface installed.

Respectfully submitted,



Janette S. Knowlton, County Attorney

County Attorney's Office
 18500 Murdock Circle #573
 Port Charlotte, FL 33948-1094
 (941)743-1330 [PH]
 (941)743-1550 [FAX]

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services, Division of Legal Services hereby gives notice: On July 1, 2013, the Department of Financial Services, Division of Legal Services, issued a Final Order Denying Petition for Variance and Waiver, Case Number 118486-11-AG. The Final Order responds to receipt of a Petition for Variance and Waiver, filed on May 17, 2013, from Petitioner A Maples Insurance Agency. The Petition does not identify the administrative rule from which a variance or waiver is sought. The Notice of Petition for Variance and Waiver was published in Volume 39, No. 105, May 30, 2013, edition of Florida Administrative Register. The Final Order Denying Petition for Variance found that the Petition does not identify the administrative rule from which a variance or waiver is sought, does not comply with statutory requirements, and that the general relief sought is not available to the Petitioner. No comments were received.

A copy of the Order or additional information may be obtained by contacting: Michael H. Davidson Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4178.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida State Fair Authority, Long Range Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2013, 11:00 a.m.; CANCELLED

PLACE: CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old & New Business – CANCELLED.

DEPARTMENT OF EDUCATION

The Florida Education Foundation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 11, 2013, 8:30 a.m. – 2:00 p.m. (EDT) or until adjournment

PLACE: Ritz-Carlton Orlando, 4012 Central Florida Parkway, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: Foundation issues including but not limited to approval of minutes from the April 17, 2013 meeting, program updates, financial report, executive director's report and general discussion of Foundation business.

A copy of the agenda may be obtained by contacting: Deb Schroeder at deb.schroeder@fldoe.org.

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 3 days before the workshop/meeting by contacting: Deb Schroeder at deb.schroeder@fldoe.org. 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).

FLORIDA PAROLE COMMISSION

The Florida Parole Commission announces a workshop to which all persons are invited.

DATE AND TIME: July 11, 2013, 10:30 a.m.

PLACE: 4070 Esplanade Way, #180G, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Objective Parole Guidelines.

A copy of the agenda may be obtained by contacting: Sarah Rumph, (850)488-4460.

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 3 days before the workshop/meeting by contacting Sarah Rumph. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Sarah Rumph.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The West Florida Regional Planning Council announces public meetings to which all persons are invited.

DATE AND TIMES: Monday, July 15, 2013, 3:30 p.m.; the Executive Committee meeting, 3:00 p.m.

PLACE: Crestview City Hall, 198 Wilson Street, N., Crestview, FL 32536

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Terry Joseph, terry.joseph@wfrpc.org, 1(800)226-8914, ext. 201.

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 2 days before the workshop/meeting by contacting: Terry Joseph, terry.joseph@wfrpc.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Terry Joseph, terry.joseph@wfrpc.org, 1(800)226-8914, ext. 201.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Bay Area Resource Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 17, 2013, 1:00 p.m. – BARC TAC meeting; 2:30 p.m. – BARC meeting

PLACE: 4081 E. Olive Road, Suite A, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Bay Area Resource Council.

A copy of the agenda may be obtained by contacting: Mike Reistad, West Florida Regional Planning Council, michael.reistad@wfrpc.org.

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 2 days before the workshop/meeting by contacting: Mike Reistad, West Florida Regional Planning Council, michael.reistad@wfrpc.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mike Reistad, West Florida Regional Planning Council, michael.reistad@wfrpc.org.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 22, 2013, 3:00 p.m.

PLACE: The South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the Revolving Loan Fund loan applications.

A copy of the agenda may be obtained by contacting: The South Florida Regional Planning Council.

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 1 day before the workshop/meeting by contacting: Cheryl Cook at (954)985-4416. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Cheryl Cook at (954)985-4416 or cherylc@sfrpc.com.

METROPOLITAN PLANNING ORGANIZATIONS

Orlando Urban Area

The Central Florida MPO Alliance announces public meetings to which all persons are invited.

DATE AND TIMES: Friday, July 12, 2013, 10:00 a.m. and 11:30 a.m. respectively.

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the CFMPOA and annual joint meeting of the CFMPOA & CCC.

A copy of the agenda may be obtained by contacting: Ms. Cathy Goldfarb, 315 E. Robinson Street, Suite 355, Orlando, FL 32801.

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 3 days before the workshop/meeting by contacting: Ms. Cathy Goldfarb, 315 E. Robinson Street, Suite 355, Orlando, FL 32801. 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).

For more information, you may contact: Ms. Cathy Goldfarb, 315 E. Robinson Street, Suite 355, Orlando, FL 32801.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

The Board of Veterinary Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 31, 2013, 9:00 a.m.

PLACE: Access Phone: 1(888)670-3525, Conference Code 6493057517

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, July 15, 2013, 2:30 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 16, 2013, 8:30 a.m.; meeting will reconvene on Wednesday, July 17, 2013, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to: general business; rule variance request; budget discussions, escrow disbursement requests, recovery fund claims, education issues, disciplinary actions and real estate

applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com.

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: Division of Real Estate, (407)481-5662. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Dentistry

The Board of Dentistry, Council on Dental Hygiene announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 6, 2013, 6:00 p.m. or as soon thereafter as possible

PLACE: 1(888)670-3525 when prompted, enter Conference Code 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to dental hygiene.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Dentistry

The Board of Dentistry announces a public meeting to which all persons are invited.

DATE AND TIME: August 16, 2013, 9:00 a.m.

PLACE: Department of Health 4042 Bald Cypress Way, Room #301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 12, 2013, 2:00 p.m.

PLACE: 1(888)670-3525, Participation Code: 125-528-7056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us.

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 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel North announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 19, 2013, 2:00 p.m.

PLACE: 1(888)670-3525, Participation Code: 125-528-7056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us

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 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Susan Chase at (850)245-4640, ext. 8145 or email her at susan_chase@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Nursing

The Florida Board of Nursing South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 16, 2013, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)670-3525, Code 1135981458

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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: the Board at (850)245-4125. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists & Prosthetists announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, July 26, 2013, 9:00 a.m. at 1(888)670-3525, Participate Code 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W Causey, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the website at www.doh.state.fl.us/mqa/orthpros/index.html.

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: Sherra W Causey. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 16, 2013, 5:30 p.m. – 7:30 p.m.

PLACE: St. Johns County Agricultural Center Auditorium, 3125 Agricultural Drive, St. Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families, Circuit 7, announces a public meeting to discuss child welfare in St. Johns County: What is working in the current system of care, identification of gaps in services, and critical areas needing improvement.

A copy of the agenda may be obtained by contacting: Patricia Edgemon, Phone: (904)485-9702, Email: patricia_edgemon@dcf.state.fl.us, 5920 Arlington Expressway, Jacksonville, FL 32211.

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: Patricia Edgemon, Phone: (904)485-9702. 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).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Economic Self-Sufficiency Program

The Department announces public meetings to which all persons are invited.

DATES AND TIMES: August 2, 16 and 30, 2013, 9:00 a.m.; September 13 and 27, 2013, 9:00 a.m.; October 11 and 25, 2013, 9:00 a.m.; November 8 and 22, 2013, 9:00 a.m.; and December 6 and 20, 2013, 9:00 a.m.

PLACE: 1317 Winewood Blvd. Bldg. 4, Tallahassee, FL 32399-0700 (Building 4 is the place for all of the above meetings except September 13. The September 13 meeting will take place at 1317 Winewood Blvd. Bldg. 1, Room 132, Tallahassee, FL 32399-0700.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Steering Committee on the Medicaid Eligibility System will meet to discuss the status of system development activities.

Copies of the agendas will be posted to the Department of Children and Families website at <http://www.myflfamilies.com> a week preceding the meetings or can be obtained by contacting: Yvonne_Dowling@dcf.state.fl.us, (850)717-4611.

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: jennifer_lange@dcf.state.fl.us, (850)717-4688. 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).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Refugee Services

The Florida Department of Children and Families, Office of Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 16, 2013, 4:45 p.m.

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 5, Room 202, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposal Opening and Review of Mandatory Requirements for Employment Services for Refugees and Entrants in Broward,

Hillsborough and Palm Beach Counties (RFP#s SNR14K04, SNR14K05, and SNR14K06).

As provided for in Sections 2.5 and 2.9 of the RFPs which were published to the Vendor Bid System (VBS) on May 22, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>. The purpose of the Proposal Opening and Review of Mandatory Requirements is to ensure prospective Vendors have complied with all Mandatory Requirements as required in Section 5.1 in order to be considered for selection under the RFPs.

A copy of the agenda may be obtained by contacting: Holly_Merrick@dcf.state.fl.us.

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 3 days before the workshop/meeting by contacting: Pamela Thornton, email: Pamela_Thornton@dcf.state.fl.us or (850)717-4567. 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).

For more information, you may contact: Holly_Merrick@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Refugee Services

The Department of Children and Families, Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 16, 2013, 4:45 p.m.

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 5, Room 202, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Title: Proposal Opening and Review of Mandatory Requirements for the Employment Services for Refugees and Entrants in Broward, Hillsborough and Palm Beach Counties (RFP#s SNR14K04, SNR14K05, and SNR14K06).

Description: As provided for in Sections 2.5 and 2.9 of the RFPs which were published to the Vendor Bid System (VBS) on May 22, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>. The purpose of the Proposal Opening and Review of Mandatory Requirements is to ensure prospective Vendors have complied with all Mandatory Requirements as required in Section 5.1 in order to be considered for selection under the RFPs.

A copy of the agenda may be obtained by contacting: Holly_Merrick@dcf.state.fl.us.

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 3 days before the workshop/meeting by contacting: Pamela Thornton, email: Pamela_Thornton@dcf.state.fl.us or (850)717-4567. 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). For more information, you may contact: Holly_Merrick@dcf.state.fl.us.

FISH AND WILDLIFE CONSERVATION COMMISSION
 Freshwater Fish and Wildlife
 The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, July 17, 2013, 7:00 p.m. central time zone
PLACE: Jackson County Commission Chambers, 2864 Madison Street, Marianna, FL 32448
GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for FWC's ten-year Management Plan for the FWC Lead Managed Portions of Apalachee Wildlife Management Area (AWMA). This hearing is being held EXCLUSIVELY for discussion of the DRAFT Apalachee WMA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development go online to: myfwc.com/about/rules-regulations/rule-changes/ or call (850)487-1764.
 A copy of the agenda may be obtained by contacting: Diana Kilgore, (850)487-7063, diana.kilgore@myfwc.com.

NORTHWOOD SHARED RESOURCE CENTER
 The Northwood Shared Resource Center (NSRC) Finance and Auditing Committee announces a public meeting to which all persons are invited.
DATE AND TIME: July 12, 2013, 9:00 a.m. – 11:00 a.m.
PLACE: Department of Juvenile Justice, Knight Building CR 1134, 2737 Centerview Drive, Tallahassee, FL 32399
GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of minutes, Planning for upcoming Fiscal Year 2013-2014.
 A copy of the agenda may be obtained by contacting: Jane.Geier@nsrc.myflorida.com, (850)487-9442.
 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: (850)487-9442. 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). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. For more information, you may contact: Jane.Geier@nsrc.myflorida.com, (850)487-9442.

FLORIDA SPORTS FOUNDATION
 The Florida Sports Foundation Board of Directors announces a telephone conference call to which all persons are invited.
DATE AND TIME: Wednesday, August 7, 2013, 9:00 a.m.
PLACE: Conference Call Numbers: 1(888)670-3525; Access Code: 656-578-0871, then #
GENERAL SUBJECT MATTER TO BE CONSIDERED: The promotion and development of professional, amateur and recreational sports within the state of Florida.
 For a copy of the agenda, or more information, you may contact: John F. Webb, President, at (850)488-8347.

Section VI Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Division of Florida Condominiums, Timeshares and Mobile Homes
NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Thomas R. Blake, In Re: Villa Capri Condominium Association, Inc., Docket No. 2013020037, on May 8, 2013. The following is a summary of the agency's declination of the petition:
 The Division declined to issue a Declaratory Statement because it may not issue a statement when the petition does not refer to a section of the Condominium Act, a division rule, or a division order; or where a dispute of fact exists. The order was filed with the Agency Clerk on June 21, 2013.
 A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Robin McDaniel, Division Clerk, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1424, robin.mcdaniel@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from James Stolz. The petition seeks the agency's opinion as to the applicability of Section 7 & 310, Florida Building Code, Building and Section R302, Florida Building Code, Residential (2010) as it applies to the petitioner.

Petitioner seeks clarification of whether a student apartment complex on a single parcel is exempt from the Florida Building Code fire separation requirements and whether issuing a certificate of occupancy without correcting code violations is a material violation of Florida law.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Planning Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com.

April L. Hammonds, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000, (850)487-1824, april.hammonds@myfloridalicense.com.

Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

EXPRESSWAY AUTHORITIES

Miami-Dade Expressway Authority "MDX"

REQUEST FOR PROPOSAL

MDX PROCUREMENT/contract no.: RFP-13-03

MDX PROJECT/SERVICE TITLE: Design-Build Services for an Open Road Tolling (ORT) System for SR 112 and SR 836 with Optional Services.

The Miami-Dade Expressway Authority ("MDX") requires the services of a qualified Firm to design, build and maintain an all-electronic, cashless, Open Road Tolling (ORT) System in order to convert the current toll collection system, both electronic and cash collection points, on MDX's SR 836 and SR 112. The Scope of Work for this Project includes other optional services. For a copy of the RFP with information on the Scope of Work, Pre-qualification and submittal requirements, please logon to MDX's website: www.mdxway.com to download the documents under "Doing Business with MDX: Vendor Login", or call MDX's Procurement Department at (305)637-3277 for assistance. Note: In order to download any MDX solicitation, you must first be registered as a Vendor with MDX. This can only be facilitated through MDX's website: www.mdxway.com under "Doing Business with MDX: Vendor Registration". A Mandatory Pre-Proposal Conference is scheduled for July 10, 2013 at 10:00 a.m. The Deadline for submitting a Technical Proposal is July 31, 2013 by 2:00 p.m. Eastern Time.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
 HCAA RFQ 13-411-021 Program Management Consultant
 HILLSBOROUGH COUNTY AVIATION AUTHORITY
 (AUTHORITY)

Request for Qualifications

Solicitation Number 13-411-021

Sealed qualifications for the Program Management Consultant will be received from Consulting firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administrative Building, Second Level, Red Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampaairport.com, Airport Business, Active Solicitations on Wednesday July 10, 2013 by 5:00 p.m.

Section XII
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Broward Automotive, Inc., d/b/a Audi Lighthouse Point for the relocation of AUDI

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Audi of America, Inc. an operating unit of Volkswagen Group of America, Inc., intends to allow the relocation of Broward Automotive, Inc., d/b/a Audi Lighthouse Point as a motor vehicle dealership authorized to sell and service new Audi motor vehicles (line-make AUDI) from its present location at 4250 North Federal Highway, Lighthouse Point, (Broward County), Florida 33064, to a proposed location at 1200 North Federal Highway, Fort Lauderdale, (Broward County), Florida 33304, on or after August 2, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Broward Automotive, Inc., d/b/a Audi Lighthouse Point are dealer operator(s): Bruce Qvale, 5555 North State Road 7, Coral Springs, Florida 33067, principal investor(s): Qvale Auto Group, Inc., 901 Van Ness Avenue, San Francisco, California 94109, Qvale Enterprises, LLC, 901 Van Ness Avenue, San Francisco, California 94109, Bruce H. Qvale 2006 Revocable Trust Date 12/15/2006, 901 Van Ness Avenue, San Francisco, California 94109 and Bruce H. Qvale, 901 Van Ness Avenue, San Francisco, California 94109.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Cody Thacker, Audi of America, Inc. an operating unit of Volkswagen Group of America, Inc., 2200 Ferdinand Porsche Drive, Herndon, Virginia, 20171.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Lender Services, Inc., d/b/a Buggy Worx for the establishment of STAR

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services, Inc., intends to allow the establishment of Lender Services, Inc., d/b/a Buggy Worx as a dealership for the sale of low-speed vehicles manufactured by JH Global Services, Inc. (line-make STAR) at 705 New Warrington Road, Pensacola, (Escambia County), Florida 32506, on or after July 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Lender Services, Inc., d/b/a Buggy Worx are dealer operator(s): Joseph Edward Mercer, 705 New Warrington Road, Pensacola, Florida 32506; principal investor(s): Joseph Edward Mercer, 705 New Warrington Road, Pensacola, Florida 32506.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jun Hu, JH Global Services, Inc., 378 Neely Ferry Road, Simpsonville, South Carolina 29680.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Mx Mud Cleaner USA, Inc. for the establishment of BASH mcy line

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group (USA), Inc., intends to allow the establishment of Mx Mud Cleaner (USA), Inc., d/b/a Bike and Scooter Super Shop, as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (line-make BASH) at 750 East Sample Road, Building 1, Suite 5, Pompano Beach, (Broward County), Florida 33064, on or after July 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Mx Mud Cleaner (USA), Inc., d/b/a Bike and Scooter Super Shop, are dealer operator(s): Marcio Andreoli, 10821 Fox Glen Drive, Boca Raton, Florida 33428; principal investor(s): Marcio Andreoli, 10821 Fox Glen Drive, Boca Raton, Florida 33428.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Lily Ji, Peace Industry Group (USA), Inc., 2649 Mountain Industrial Boulevard, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Superior Auto Brokers, Inc., d/b/a Power Motorsports for the establishment of BASH

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hammer Brand, LLC, d/b/a Wolf Brand Scooters intends to allow the establishment of Superior Auto Brokers, Inc., d/b/a Power Motorsports, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (line-make ZHNG) at 8240 West State Road 84, Davie, (Broward County), Florida 33324, on or after July 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Superior Auto Brokers, Inc., d/b/a Power Motorsports, are dealer operator(s): Dori Kesary, 9800 Northwest 10 Court, Plantation, Florida 33322, Elan Hava, 11460 Southwest 1st Court, Plantation, Florida 33325; principal investor(s): Dori Kesary, 9800 Northwest 10 Court, Plantation, Florida 33322, Elan Hava, 11460 Southwest 1st Court, Plantation, Florida 33325.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Diana Hammer, Hammer Brand, LLC, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

NOTICE OF ROUTINE PROGRAM CHANGE APPROVAL

On June 28, 2013, the State received concurrence from NOAA's Office of Ocean and Coastal Resource Management that the proposed changes to the approved Florida Coastal Management Program (FCMP), with certain exceptions as noted in the Routine Program Change 2012 approval located at <http://www.dep.state.fl.us/cmp/federal/fedconsv.htm>, constitute routine changes as defined by 15 C.F.R. 923.84, implementing the Federal Coastal Zone Management Act (16 U.S.C. ss. 1451 et seq.). The proposed changes were noticed in the FAW on March 14, 2013.

These incorporated changes do not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization or coordination, public involvement, and national interest.

As of the date of this notice, these changes are incorporated into the FCMP and federal consistency applies to these statutory and rule changes. This notice has been sent to affected parties, including local governments, state agencies, and regional offices of relevant federal agencies as required by 15 C.F.R. 923.84(b)(4).

For more information on this Routine Program Change and the list of persons and organizations notified, please contact: Ms. Ann Lazar, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2168.

DEPARTMENT OF HEALTH
Board of Nursing

Notice of Emergency Action

On July 1, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Danielle Faye Degennaro, LPN, License #s PN 51871700 and RN 9304190. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

CLERK OF COURT OPERATIONS CORPORATION

Florida Clerks of Court Operations Corporation
Pursuant to Section 121.055, Florida Statutes (as amended by the 1993 Florida Legislature), the Florida Clerks of Court Operations Corporation provides public notice of the intent to include the Executive Director position in the Florida Retirement System's Senior Management Service Class effective August 1, 2013.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.