

Section II
Proposed Rules

- (a) Licensing Standard Checklist.
 - (b) Application.
 - (c) Letter of recommendation.
 - (d) Copy of the home study and floor plan of the home.
 - (e) Florida Abuse Hotline Information System (FAHIS) report clearances.
 - (f) Local law enforcement checks.
 - (g) Personal and school references.
 - (h) Medical information.
 - (i) Sanitation and fire inspection documentation.
 - (j) Federal Bureau of Investigation screening clearance letter, and
 - (k) Initial pre-service training or the annual in-services training documentation.
- (6) The department will notify the agency, in writing, within 10 working days of the approval or denial of the license. If the license is approved, the department will issue a license.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.036, Amended _____.

65C-15.025 Monitoring and Annual Licensing Study.

(1) A staff member of the agency shall conduct ~~an~~ the annual relicensing evaluation of the agency's licensed foster homes, at a minimum of 60 days prior to the expiration of the license, in order to make a timely recommendation to the department in regard to renewal of the family's license.

(2) The agency shall submit copies of the following supportive documentation to the department 30 days prior to the expiration date of the license:

- (a) Licensing Standard Checklist.
- (b) Application.
- (c) Letter of recommendation.
- (d) Copy of the home study and floor plan of the home.
- (e) Florida Abuse Hotline Information System (FAHIS) report clearances.
- (f) Local law enforcement checks.
- (g) Personal and school references.
- (h) Medical information.
- (i) Sanitation and fire inspection documentation.
- (j) Federal Bureau of Investigation screening clearance letter, and
- (k) Initial pre-service training or the annual in-services training documentation.

(3) The department will notify the agency, in writing, within 10 working days of the approval or denial of the license. If the license is approved, the department will issue a license.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Formerly 10M-24.038, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Humane Euthanasia of Livestock	5C-25
RULE TITLES:	RULE NOS.:
Definitions	5C-25.001
Humane Killing of Livestock	5C-25.002
Development of a Training Program	5C-25.003
Penalties for Violation	5C-25.004

PURPOSE AND EFFECT: The purpose and effect of these rules are to define animals addressed by the rule; define guidelines for euthanasia, incorporated by reference; define rule governees, training requirements of euthanasia activities; and penalties for violation.

SUMMARY: This rule proposes definitions, guidelines, training, and penalties for violation in the matter of livestock euthanasia.

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

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

SPECIFIC AUTHORITY: 585.007, 828.25(1),(2) FS.

LAW IMPLEMENTED:828.22(1),(2) FS.

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

TIME AND DATE: 9:00 a.m., November 5, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, Room 316, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe W. Kight, Assistant Division Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)488-0709, Fax (850)487-3641

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-25.001 Definitions.

Definitions for the purpose of this section:

(1) Euthanasia is a humane, proficient acceptable method for the destruction of livestock.

(2) Humane Methods means a method whereby the animal is rapidly and effectively rendered insensitive to pain by use of:

- (a) a penetrating captive bolt;

(b) a gunshot of appropriate caliber and placement;
(c) the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument causing loss of consciousness by anemia;

(d) electrical means, or

(e) chemical means.

Specific Authority 828.25(1), (2) FS. Law Implemented 828.22(1), (2) FS. History--New

5C-25.002 Humane Killing of Livestock.

No person shall kill livestock except by humane methods.

Specific Authority 828.25(1), (2) FS. Law Implemented 828.22(1), (2) FS. History--New

5C-25.003 Development of a Training Program.

The Department shall in conjunction with the University Extension Service develop and distribute a training program demonstrating the use of acceptable humane euthanasia methods.

Specific Authority 828.25(1), (2) FS. Law Implemented 828.22(1), (2) FS. History--New

5C-25.004 Penalties for Violation.

(1) Any person who violates the provisions of this chapter or any rule of the department shall be subject to the imposition of an administrative fine of up to \$10,000.00 for each offense. Upon repeated violation, the department may seek enforcement pursuant to s. 120.69.

(2) Unless otherwise provided, any person violating the provisions of this chapter is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Nothing in this rule precludes the enforcement of s. 828.12.

Specific Authority 828.25(1), (2), 585.007 FS. Law Implemented 828.22(1), (2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe W. Kight, Assistant Director, Division of Animal Industry,
407 S. Calhoun St. Rm 321, Tallahassee, FL 32399-0800,
(850)488-7079, Fax (850)487-3641

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Leroy M. Coffman, Dir., Div. of
Animal Industry, 407 S. Calhoun St., Rm 330, Tallahassee, FL
32399-0800, (850)488-7747, Fax (850)922-8969

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 1999, Vol. 25, No. 26

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: RULE NOS.:

Sale of Agricultural Products, Including	
Poultry and Livestock	12A-1.048
Sales of Animals	12A-1.049
Food for Animals	12A-1.050
Partial Exemption for Farm Equipment	12A-1.087

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.048, FAC, Sale of Agricultural Products, Including Poultry and Livestock, is to incorporate statutory amendments regarding the exemptions for flower seeds and for plants that produce food for human consumption. The proposed amendments also remove the obsolete definition of the term "livestock" from Rule 12A-1.048, FAC, and provide grammatical corrections.

The purpose of the proposed amendments to Rule 12A-1.049, FAC, Sales of Animals, is to define the term "livestock" and to remove the exemption provided for chinchillas sold for breeding purposes. The statutory provisions that exempt the sale of livestock sold by a producer do not include the sale of chinchillas, an animal that is not included in the statutory definition of the term "livestock." The proposed amendments remove unnecessary provisions regarding the tax imposed on the sale of animals and the recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind.

The purpose of the proposed repeal of Rule 12A-1.050, FAC, Food for Animals, is to remove the unnecessary recitation of the statutory exemptions for the sale of feeds for poultry, ostriches, and livestock and for the sale or rental of guide dogs for the blind. The proposed repeal also removes unnecessary provisions regarding the sale of feeds for animals, other than livestock, and charges for boarding animals.

The purpose of the proposed substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, is to provide current guidelines to the public regarding the partial exemption provided for the sale of certain farm equipment under s. 212.08(3), F.S., as amended, and for certain items used for agricultural purposes under s. 212.08(5)(a), F.S., as amended.

SUMMARY: The proposed amendments to Rule 12A-1.048, FAC, Sale of Agricultural Products, Including Poultry and Livestock, incorporate statutory amendments regarding the exemptions for flower seeds and for plants that produce food for human consumption. The proposed amendments also remove the obsolete definition of the term "livestock" from this rule and provide grammatical corrections.

The proposed amendments to Rule 12A-1.049, FAC, Sales of Animals, define the term "livestock" and remove the exemption provided for chinchillas sold for breeding purposes. The statutory provisions that exempt the sale of livestock sold by a producer do not include the sale of chinchillas, an animal

that is not included in the statutory definition of the term "livestock." The proposed amendments remove unnecessary provisions regarding the tax imposed on the sale of animals and the recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind.

The proposed repeal of Rule 12A-1.050, FAC, Food for Animals, removes the unnecessary recitation of the exemption provided in s. 212.08(7)(c), F.S., for feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, and the unnecessary recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind. The proposed repeal also removes unnecessary provisions regarding the sale of feed and charges for animal boarding.

The proposed substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, provides that the sale, rental, lease, use, consumption, or storage of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of 3 percent under certain conditions. To qualify for the partial exemption, the equipment must be used exclusively on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products produced by agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. This exemption is not forfeited when qualifying equipment is moved between farms or forests. However, the partial exemption does not apply to equipment used for processing agricultural crops or products, to charges for repairs to farm equipment, or to purchases of replacement parts.

The provisions of Rule 12A-1.087, FAC, as proposed, provide that persons engaged in planting, cultivating, and harvesting aquaculture products qualify for the partial exemption when such person is registered with the Department of Agriculture and Consumer Services under s. 597.004, F.S., as a person engaged in aquaculture. The partial exemption applies to the purchase of a boat or boat motor to be used exclusively for aquacultural purposes. A farm, for purposes of this rule, includes submerged sites leased from the state under the authority of s. 253.68, F.S., by such persons.

The proposed substantial rewording of Rule 12A-1.087, F.A.C., requires the purchaser to furnish the seller with a written certificate stating that the purchased items qualify for the exemption provided in s. 212.08(3), F.S., to qualify for this partial exemption. A suggested certificate is contained in Rule 12A-1.039, FAC. The proposed amendments provide that a dealer who accepts such a certificate in good faith from the purchaser will not be assessed any additional sales tax due on such sales and that the Department will look solely to the purchaser for any additional tax due on the purchase of non-qualifying farm equipment.

Rule 12A-1.087, FAC, as proposed, defines the terms "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," "agricultural industries," "aquacultural products," "forests," "cultivating," "harvesting," and "processing." Examples of self-propelled, power-drawn, and power-driven farm equipment and qualifying uses of such equipment are provided.

The proposed substantial rewording of Rule 12A-1.087, FAC, provides that generators, excluding those purchased for use on poultry farms, do not qualify as power-drawn farm equipment and are taxable at the rate of 6 percent. Generators purchased or leased for use on a poultry farm are exempt from tax under s. 212.08(5)(a), F.S. Examples are provided. The purchaser of a qualifying generator is required to furnish the seller with a written certificate stating that the generator is purchased, rented, or leased exclusively for use on a poultry farm and that the generator qualifies for the exemption provided in s. 212.08(5)(a), F.S. A suggested certificate is provided in Rule 12A-1.039, F.A.C. The proposed amendments provide that a dealer who accepts such a certificate in good faith from the purchaser will not be assessed any additional sales tax due on such sales and that the Department will look solely to the purchaser for any additional tax due on the purchase of non-qualifying farm equipment.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.02(14)(c), (29), (30), (31), (32), (33), 212.05(1), 212.06(1), 212.07(1), (5), (6), (7), 212.08(3), (5)(a), (7)(d), (h), (vv), 212.18(2), 320.51, 570.02(1), 597.0015(1), (3), 597.004 FS.

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

TIME AND DATE: November 19, 1999, 1:00 p.m.

PLACE: Farm Bureau Building, Room 239A, 5700 South West 34th Street, Gainesville, Florida 32608

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing- or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.048 Sale of Agricultural Products, Including Poultry and Livestock.

(1) The sale sales of agricultural products, poultry, and livestock direct from the farm when made directly by the producers ~~is~~ are exempt. ~~This, provided, however, that the exemption does not apply to the sale of ornamental nursery stock. For the purpose of this rule, livestock means domestic animals kept for agricultural purposes. Agricultural~~ Neither does the tax apply when such agricultural products that are produced by the farmer and used by him and members of his family or employees on his farm are not subject to tax.

(2)(a) The term "ornamental nursery stock" applies to all plants, shrubs, and trees customarily sold by nurseries for landscaping purposes, excluding plants used to produce food for human consumption and includes plants, shrubs, and trees that may bear edible nuts, fruits, and berries provided, however, that such term shall not include plants, trees, or shrubs sold to a commercial farmer use on his own farm in producing a crop for sale.

(b) No change.

(c) A landscape contractor who purchases ornamental nursery stock to fulfill a lump sum, cost plus, fixed fee, or guaranteed price contract for the improvement of realty is construed to be the consumer of such nursery stock and ~~he~~ is liable for the sales tax at the time of purchase. A person who fulfills a contract as above described should not collect the tax ~~as such~~ from his or her customers, because the tax should be paid by the landscaper on all materials used in fulfilling the contract. A landscaper who produces his or her own ornamental nursery stock or who obtains stock that ~~was~~ he acquired without cost, such as by digging up wild plants in the woods, is not liable for the tax on such stock which ~~he~~ or she uses in fulfilling the aforesaid types of contracts.

(d) A person who agrees by contract to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed is deemed to be selling tangible personal property (ornamental nursery stock) at an agreed retail price. The contractor is required to and shall collect sales tax from the his purchaser based on upon the price amount of the materials and supplies receipts from such sales, excluding any separately stated installation charges if separately stated. Sales tax applies even though all or part of the ornamental nursery stock is grown or obtained from its natural habitat for no consideration by the person completing the contract.

(e) Plants, shrubs, trees, and other items of tangible personal property that a nurseryman donates in the course of his business to any person or organization ~~is~~ shall be taxed based on the at its cost price. No tax is due on any items donated ~~that which~~ the nurseryman produces or acquires from its natural habitat without cost.

(3) No change.

(4) A sale of such agricultural products or any part thereof, when sold by any person other than the producer as a marketable or finished product to the ultimate consumer (except in the form of general groceries, including food and food products) is taxable. Example ~~For example:~~ Marketable products, such as nursery stock, ~~etc.,~~ and finished products, such as hides, bones, hooves, and feathers, ~~etc.,~~ are taxable. For the sale of ornamental nursery stock by the producer, see subsection refer to Paragraph (1) of this rule Rule.

(5) Topsoil, peat moss, compost, and manure are exempt as agricultural products when sold by the producer but are taxable when sold by anyone other than the producer. The sale of sod and ferns is taxable as the sale of ornamental nursery stock.

(6) No change.

(7) Plants used to produce food for human consumption such as tomato, cabbage and other food plants are exempt.

(8) through (14) No change.

(15) Nursery stock, plants, shrubs, and trees, ~~etc.,~~ purchased by one nurseryman from another for stock are exempt. Nursery stock purchased for direct resale and sold at retail is required to should be purchased with on a resale certificate and is subject to tax-taxable when sold to the ultimate consumer.

(16) No change.

(17) The sale of field and garden seeds, including flower seeds, is exempt Flower seeds are taxable except when sold to commercial nurserymen or by the producer as an agricultural product.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(29), 212.07(5), (6), (7), ~~(8)~~, 212.08(5)(a), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, 12-11-74, Amended 7-20-82, Formerly 12A-1.48, Amended _____.

12A-1.049 Sales of Animals.

(1) No change.

(2) For purposes of this rule, livestock includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other ratite species, and other grazing animals raised for commercial purposes. The term "livestock" also includes fish raised for commercial purposes.

(3)~~(2)~~ The sale of a race horse or a racing dog by its owner is exempt if the owner is also the breeder of the animal, even if the owner though he does not reside in this state. When the owner is not the breeder, such sales are subject to tax taxable and the owner is required to he should register as a dealer and collect the applicable tax thereon.

(4)~~(3)~~ The sale of race horses in this the State of Florida is subject to tax. Tax is due taxable and the tax is also to be paid on the claiming price of any horse that is horses which are claimed at any racing meet held in this State Florida.

~~(5)(4)~~ Sales tax is required to ~~should~~ be collected on the maximum amount for which a horse is sold at a claiming race one time only during the entire racing season that extends, i.e., ~~from the opening of the first track in this State the state~~ in the fall through the closing of the last track in this State the state in the spring. To avoid a duplication of tax duplications, officials of the various race tracks have agreed to collect tax as required on such sales and ~~to~~ furnish other tracks with accurate, detailed lists of the sales. The following example is intended to show how this works out in practice. A horse is sold in a claiming race for \$5,000 and later is sold in a claiming race for \$6,000. The tax would be collected on the first sale of \$5,000 and on the second sale of \$1,000, the difference between the first and second sale only. This track would forward a detailed list showing these sales to the next track. At another track, during the same racing season, the same horse is sold for \$6,000 at a claiming race and then at still another claiming race it ~~he~~ is sold for \$7,000. No tax would be collected on the latter \$6,000, because tax had already been collected on that amount during the current season. However, tax is; but on the \$7,000 sale, tax would be due on the additional \$1,000 realized from the sale at \$7,000.

~~(6)(5)~~ The sale of livestock for breeding purposes is exempt.

~~(6)~~ The sale of chinchillas for breeding purposes or for the future processing of their furs is exempt. The sale of chinchillas for any other purposes is taxable.

~~(7)(a)~~ The sale of pets such as dogs, cats, parakeets, canaries, monkeys, etc., is taxable.

~~(b)~~ The sale or rental of guide dogs for the blind, commonly referred to as "seeing eye dogs," is exempt. (See Rule 12A-1.001(17), F.A.C.)

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(29), 212.07(5)(a),(b),(6),(7),(8); 212.08(7)(vv)(4) FS. History-Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, Formerly 12A-1.49, Amended _____.

12A-1.050 Food for Animals.

~~(1)~~ Feeds for poultry and livestock, including race horses and dairy cattle, are specifically exempt. Effective October 1, 1992, the sale of ostrich feed is exempt. For purposes of this rule the Department of Revenue adopts the following definitions:

~~(a)~~ "Poultry" shall include all domesticated birds which serve man as a source of food, either eggs or meat.

~~(b)~~ "Livestock" shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. In addition, "livestock" shall also include, but not be limited to, other commercial agricultural endeavors, such as breeding and raising chinchillas or fish, other than goldfish or tropical fish.

~~(2)~~ Feed, including so called "prescription diets", even upon advice of veterinarians, for dogs (except "seeing eye" dogs), cats, birds, fish, circus and zoo animals, is taxable.

~~(3)~~ The sale of food for guide dogs, commonly known as "seeing eye" dogs, is exempt. (See Rule 12A-1.001, F.A.C.)

~~(4)~~ Charges for boarding animals at stables, kennels, etc., are exempt.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), 212.08(7)(d),(h),(v) FS. History-Revised 10-7-68, 6-16-72, Amended 10-18-78, 4-12-84, Formerly 12A-1.50, Amended 9-14-93, Repealed _____.

(Substantial Rewording of Rule 12A-1.087 follows. See Florida Administrative Code for present text.)

12A-1.087 Partial Exemption for Farm Equipment Sales to Farmers.

(1)(a) The sale, rental, lease, use, consumption, or storage of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of 3 percent. To qualify for the partial exemption, such equipment must be used exclusively on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. Self-propelled, power-drawn, or power-driven farm equipment that is not purchased, leased, or rented for exclusive use in planting, plowing, cultivating, or harvesting agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for this partial exemption. This partial exemption is not forfeited by moving qualifying farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the limitation under s. 212.08(3), F.S. Although the Department does not furnish the printed form to be executed by farmers when purchasing or leasing qualifying equipment, a suggested certificate is contained in Rule 12A-1.039, F.A.C.

(c) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of 3 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

(2) For purposes of this rule, the following definitions will apply:

(a) Agricultural industries, as defined in s. 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Aquaculture products, as defined in s. 212.02(33), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(c) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product. Examples of cultivating include, but are not limited to: feeding, fertilizing, pruning, and spraying agriculture crops or products.

(d) Forest, as defined in s. 212.02(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

(e) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown.

(f) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3) Self-propelled farm equipment, as defined in s. 212.02(30), F.S., means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying self-propelled farm equipment also includes but is not limited to:

(a) All-terrain vehicles.

(b) Backhoes.

(c) Boats and boat motors, purchased together or separately, for use in planting, cultivating, or harvesting aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.

(d) Bulldozers.

(e) Combines.

(f) Feller bunchers.

(g) Forest fertilizer spreaders.

(h) Irrigation equipment (traveling "gun-type" and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.

(i) Skid steer loaders.

(j) Skidders.

(4) Persons engaged in planting, cultivating, and harvesting aquaculture products qualify for the partial exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under s. 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of s. 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to s. 253.68, F.S., and is certified under s. 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the partial exemption on the purchase or lease of a boat used exclusively for planting, cultivating, or harvesting clams on the leased site. The exemption is not forfeited by moving boats between farms.

(5) Power-drawn farm equipment, as defined in s. 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power-drawn farm equipment also includes, but is not limited to:

(a) Bale shredders.

(b) Corn, cotton, grain, and bean heads for use on combines.

(c) Cultivators.

(d) Feed mills (portable).

(e) Field trailers, wagons, and carts.

(f) Front-end loaders.

(g) Livestock feeders.

(h) Log loaders.

(i) Planters.

(j) Plows.

(k) Scalpers.

(l) Scrapers, graders, grade boxes.

(m) Sprayers.

(n) Spreaders.

(o) Tree bedders.

(p) Wood chippers (field type).

(6) Power-driven farm equipment, as defined in s. 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power-driven farm equipment also includes, but is not limited to:

(a) Aerators.

(b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.

(c) Chain saws.

(d) Milking machines.

(7)(a) Self-propelled and power-drawn farm equipment does not include vehicles (including vehicles without motive power such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S.

(b) Self-propelled and power-drawn farm equipment does not include equipment used for processing agricultural crops or products.

(8)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used to supply power to power-driven farm equipment do not qualify as power-driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial exemption.

1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.

2. Example: A diesel-powered irrigation pump that pumps water from a supply source qualifies as power-driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies as power-driven farm equipment when sold as part of the pump.

(b)1. Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under s. 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in Rule 12A-1.039, F.A.C.

2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

(9) The partial exemption does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), (33), 212.05(1), 212.06(1), 212.07(5), 212.08(3), (5)(a), 320.51, 570.02(1), 597.0015(1), (3), 597.004 FS. History- Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.048, FAC, Sales of Agricultural Products, Including Poultry and Livestock, and to Rule 12A-1.049, FAC, Sales of Animals, and the substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 5, 1999 (Vol. 25, No. 5, pp. 420-425). A

rule development workshop was held on February 24, 1999, in room 239A, Farm Bureau Building, 5700 South West 34th Street, Gainesville, Florida 32608. Comments received at the workshop are incorporated into the proposed rule amendments. Under the provisions of s. 120.54(2), F.S., the Department did not conduct a rule development workshop on the proposed repeal of Rule 12A-1.050, FAC.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS:
Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year	12D-7.0143
Educational Exemption	12D-7.015
Enterprise Zone Exemption for Child Care Facilities	12D-7.0155
Exemption of Homes for the Aged	12D-7.017
Fraternal and Benevolent Organizations	12D-7.018

PURPOSE AND EFFECT: The purpose of proposed Rule 12D-7.0143, FAC, is to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older.

The purpose of the proposed amendment to Rule 12D-7.015, FAC, is to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status.

The purpose of proposed Rule 12D-7.0155, FAC, is to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone.

The purpose of proposed amendment to Rule 12D-7.017, FAC, is to implement section 2 of Chapter 99-208, Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged.

The purpose of proposed amendment to Rule 12D-7.018, FAC, is to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations.

SUMMARY: Proposed Rule 12D-7.0143, FAC, provides that counties and municipalities may, by ordinance, grant an additional homestead exemption of up to \$25,000 for persons 65 and older whose household income does not exceed \$20,000.

Proposed amendment to Rule 12D-7.015, FAC, exempts from ad valorem tax a child care facility that achieves Gold Seal Quality status under section 402.281, Florida Statutes.

Proposed Rule 12D-7.0155, FAC, provides for an exemption from ad valorem tax for child care facilities located in an enterprise zone.

Proposed amendment to Rule 12D-7.017, FAC, provides for an exemption from ad valorem tax for homes for the aged organized as a Florida limited partnership.

Proposed amendment to Rule 12D-7.018, FAC, provides examples of commercial uses of property of fraternal and benevolent organizations that are not exempt from ad valorem property tax and taxable only to the extent provided by law.

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

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

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

LAW IMPLEMENTED: 193.074, 196.012, 196.075, 196.095, 196.192, 196.195, 196.196, 196.197, 196.1975, 196.198, 213.05, 402.26 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For Rules 12D-7.0143, 12D-7.015, and 12D-7.0155, contact Jane Nobles, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6104

For Rules 12D-7.017 and 12D-7.018, contact Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) The following procedures shall apply in counties and municipalities that have granted an additional homestead exemption up to \$25,000 for persons 65 and older on January 1, whose household adjusted gross income for the prior year does not exceed \$20,000 per year.

(2) Beginning January 1, 2001, the \$20,000 household income limitation shall be adjusted annually on January 1 by the percentage change in the average cost-of-living index.

(3) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household to the property appraiser by March 1, comprising a confidential return of household income for the specified applicant and property. The sworn statement must be supported by copies of the following documents to be submitted to the property appraiser by June 1:

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

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

(4) Proof of age shall be prima facie established for persons 65 and older by submission of one of the following: certified copy of birth certificate; drivers license or Florida identification card; passport; life insurance policy in effect for more than two years; marriage certificate; Permanent Resident Card (formerly known as Alien Registration Card); certified school records; or certified census record. In the absence of one of these forms of identification, the property appraiser may rely on appropriate proof.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.074, 196.075, 213.05 FS. History—New _____.

12D-7.015 Educational Exemption.

(1) through (2) No change.

(3) A child care facility that achieves Gold Seal Quality status under section 402.281, Florida Statutes, and that is either licensed under section 402.305, Florida Statutes, or exempt from licensing under section 402.316, Florida Statutes, is considered an educational institution for the education exemption from ad valorem tax.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 213.05, 402.26 FS. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, _____.

12D-7.0155 Enterprise Zone Exemption for Child Care Facilities.

The production by the operator of a child care facility, as defined in section 402.302, Florida Statutes, of a current license by the Department of Children and Family Services or local licensing authority and certification of the child care facility's application by the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care facility is located, is prima facie evidence that the facility owner is entitled to exemption. To receive such certification, the facility must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care center is located. Form DR-418E, (incorporated by reference in Rule 12D-16.002, F.A.C.) shall be used for this purpose.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.095 FS. History--New _____.

12D-7.017 Exemption of Homes for the Aged.

(1) Before an exemption may be granted to an applicant as a home for the aged, the following requirements must be satisfied as of January 1 of the tax year for which the request for exemption from ad valorem taxation is sought:

(1)(a) No change.

(2)(b) The home for the aged is non-profit under the criteria of section 196.195, Florida Statutes. The home for the aged may be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit.

(3)(e) No change.

~~(2) If the home for the aged existed or was under construction on or before April 1, 1995, the lease of the subject property by the applicant nonprofit corporation to a Florida limited partnership in which the sole general partner is the nonprofit corporation, for the purpose of allocating tax credits under section 42(h)(5) of the Internal Revenue Code of 1986, will not disqualify the applicant from receiving the exemption.~~

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.197, 196.1975, 213.05 FS. History--New 10-12-76, Amended 10-11-77, Formerly 12D-7.17, Amended 12-28-95, _____.

12D-7.018 Fraternal and Benevolent Organizations.

(1) through (2) No change.

(3) Any part or portion of the real or personal property of a fraternal or benevolent organization leased or rented for commercial or other non-exempt purposes, or used by such organization for commercial purposes, ~~or for uses~~ such as a bar, restaurant, or swimming pool, shall not be exempt from ad valorem taxes but shall be taxable to the extent specified in sections 196.192 and 196.012(3), Florida Statutes. In determining commercial purposes, pursuant to sections 196.195(2)(e) and 196.196(1)(b), Florida Statutes, the reasonableness of the charges in relation to the value of the services shall be considered as well as whether the excess is used to pay maintenance and operational expenses in furthering the exempt purposes or to provide services to persons unable to pay for the services.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.192, 196.195, 196.196, 213.05 FS. History--New 10-12-76, Formerly 12D-7.18, Amended 11-21-91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
For rules 12D-7.0143, 12D-7.015, and 12D-7.0155, FAC, Jane Nobles, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6104
For rules 12D-7.017 and 12D-7.018, FAC, Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. A rule development workshop was held on August 17, 1999. Written and verbal comments were received at the workshop on proposed rule 12D-7.0143, FAC. No written or verbal comments were received on proposed amendments to rules 12D-7.015, 12D-7.017, or 12D-7.018, FAC, or to proposed rule 12D-7.0155, F.A.C.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Assessing Property Not Returned as Required by Law and Penalties Thereon RULE NO.: 12D-8.005

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.005, FAC, is to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer.

SUMMARY: The proposed amendment to Rule 12D-8.005, FAC, requires the property appraiser to grant a 30-day extension for filing a tangible personal property return; authorizes an additional discretionary extension for up to 15 days; prohibits the property appraiser from requiring that a request for extension be made more than 10 days prior to the due date of the return; and provides that a request for extension shall, at the option of the property appraiser, include certain information.

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

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

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

LAW IMPLEMENTED: 192.011, 193.063, 193.072, 193.073, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Felton, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)414-6106
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.005 Assessing Property Not Returned as Required by Law and Penalties Thereon.

(1) Beginning with tax year 2000, the property appraiser is required to grant an extension of 30 days for the filing of a tangible personal property tax return upon written request of the taxpayer and may, at his or her discretion, grant an additional extension for the filing of a tangible personal property tax return for up to 15 additional days. Such request for extension must be made in time for the property appraiser to consider the request and act on it before the regular due date of the return. However, a property appraiser may not require that a request for extension be made more than 10 days prior to the due date of the return. A request for extension, at the option of the property appraiser, shall include any or all of the following: the name of the taxable entity, the tax identification number of the taxable entity, and the reason a discretionary extension should be granted. The property appraiser may grant up to 45 days extension (to May 16) to file a tangible personal property return. The due date without extension is April 1.

(a) through (8) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.011, 193.063, 193.072, 193.073, 213.05 FS. History--New 12-7-76, Formerly 12D-8.05, Amended 12-27-94, 12-28-95, 12-31-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Felton, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6106

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999, Vol. 25 , No. 30. A rule development workshop was held on August 17, 1999. No written or oral comments were received at the workshop.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

When Taxes Are Due; Notice of Publication;	
Discounts if Taxes Are Paid Before	
Certain Times	12D-13.002
Refunds	12D-13.009
Lands Available for Taxes	12D-13.064

PURPOSE AND EFFECT: The purpose of proposed amendment to Rule 12D-13.002, FAC, is to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices.

The purpose of proposed amendment to Rule 12D-13.009, FAC, is to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application.

The purpose of proposed amendment to Rule 12D-13.064, FAC, is to implement 1999 legislative changes to section 197.502, F.S., under the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale.

SUMMARY: The proposed amendment to Rule 12D-13.002, FAC, provides that early payment discounts for corrected tax notices are at the rate applicable at the time a taxpayer requests a corrected tax notice and that rate applies for 30 days after the corrected notice is mailed.

The proposed amendment to Rule 12D-13.009, FAC, provides that the date a certificate of correction from the property appraiser is delivered to the tax collector is controlling if that date predates the refund claim of the taxpayer.

The proposed amendment to Rule 12D-13.064, FAC, provides that omitted years' taxes may be canceled on property purchased from the list of lands available for taxes by a county or other governmental unit; and, land on the list of lands as a result of tax certificates sold on or after July 1, 1999, escheats to the county 3 years after the property was offered for sale.

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

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

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

LAW IMPLEMENTED: 125.411, 193.092, 193.1145, 196.295, 197.122, 197.123, 197.131, 197.162, 197.182, 197.2301, 197.322, 197.323, 197.332, 197.333, 197.343, 197.344, 197.3632, 197.3635, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.002 When Taxes Are Due; Notice of Publication; Discounts if Taxes Are Paid Before Certain Times.

(1) through (4) No change.

(5) The four-percent discount shall commence running the day after the mailing of the original tax notices. Where the tax collector makes a correction to a tax notice not requested by a taxpayer, the corrected tax notice is considered to be the original tax notice. When a taxpayer makes a request within 30 days of mailing of the initial tax notice to have the original tax notice corrected and it is subsequently corrected, the discount rate for early payment applicable at the time the request for correction is made will apply for 30 days after the shall run from the day after mailing of the corrected tax notice. It shall be the property owner's responsibility to make a timely request, but this shall not preclude the tax collector or property appraiser from making such corrections and mailing corrected tax notices.

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.092, 197.122, 197.162, 197.322, 197.332, 197.333, 197.343, 197.344, 197.3635, 213.05 FS. History--New 6-18-85, Formerly 12D-13.02, Amended 12-13-92, 12-25-96, _____.

12D-13.009 Refunds.

(1) This rule shall apply to all ad valorem tax refunds. A claim for refund not processed in accordance with this rule section shall not constitute exhaustion of administrative remedies.

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

(b) through (10) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 196.295, 197.122, 197.123, 197.131, 197.182, 197.2301, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS. History--New 6-18-95, Formerly 12D-13.09, Amended 12-10-92, 12-31-98, _____.

12D-13.064 Lands Available for Taxes.

(1) If the tax deed application was made by the county and there are no other bidders, the clerk shall enter the land on a "List of Lands Available for Taxes". If all outstanding tax sale certificates from the land were issued after July 1, 1999, the county shall then have 90 days after the land is placed on the list of sale to purchase the land for the opening bid. If any tax sale certificates were sold on or before July 1, 1999, the 90 days shall run from the sale date. After 90 days, any person or governmental unit may purchase the land for the opening bid. Where property is purchased from the list by the county or other governmental unit for its own use, omitted years' taxes may be canceled in the manner prescribed under the provisions of section 197.447, Florida Statutes.

(2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county three years after the date on which the property was offered for tax deed sale.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History--New 6-18-85, Formerly 12D-13.64, Amended _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. A rule development workshop was held on August 17, 1999. No comments were received on the proposed amendments.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

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

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, FAC, implement forms revisions created in Chapters 99-208, 99-251, 99-341 and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate forms revisions as a result of 1999 legislative changes and other technical changes, and deletes obsolete forms.

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

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

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

LAW IMPLEMENTED: 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.075, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999
 PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

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

Form Number	Effective Form Title	Date
(2) through (10) No change.		
(11)(a) DR-414	Individual Consultant Eligibility Questionnaire	7/76
(b) DR-415	Application for Department of Revenue Approved Bidder's List (r. 7/97)	12/97
(12) No change.		
(13)(a) DR-418	Economic Development Ad Valorem Property Tax Exemption (r. 12/99 6/98)	12/99 12/98
(b) DR-418E	Enterprise Zone Ad Valorem Property Tax Exemption - Child Care Facility Application For Exemption Certification (n. 12/99) (n. 12/99)	12/99 12/99
(b) renumbered (c) No change.		
(d)(e)	DR-420S Certification of School Taxable Value (r. 6/99 4/95)	12/99 12/94
(14) No change.		
(15)(a) DR-451	Notice of Application for Tax Deed	9/76
(b) DR-452	Form for Return of Real Property in Attempt to Establish Adverse Possession Without Color of Title (r. 8/93)	12/94
(16) No change.		
(17)(a) DR-456	Notice of New, Rebuilt, or Expanded Property Receipt for Funds Account of Redemption and/or Purchases County Tax Sale Certificates	9/84 7/91
(b) DR-461		
(18) No change.		
(19) <u>Reserved</u>		
DR-465	Pre-numbered Receipt for County-Owned Tax Sale Certificate Redeemed or Purchased	12/75
(20) through (21)(b) No change.		
(e) DR-474IR	199 Assessment Roll Notice of Proposed Property Taxes (special use only)	11/91
(d) through (e) renumbered (c) through (d) No change.		
(22)(a) DR-482	Application and Return for Agricultural or High Water Recharge Classification of Lands (r. 12/99 12/96)	12/99 12/96

<p>(b) DR-482HW</p>	<p><u>Application and Return for High-Water Recharge Classification of Lands (n. 12/99)</u></p>	<p>12/99</p>	<p>Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.075, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History-New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98,_____.</p>
<p>(c)(b) DR-48</p>	<p>Request for Extension of the Time for Completion of Assessment Roll(s)</p>	<p>8/89</p>	<p>NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108</p>
<p>(23)(a) DR-484</p>	<p>Budget Form for Appraisers</p>	<p>2/90</p>	<p>NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109</p>
<p>(b) DR-484T</p>	<p>Instructions for Testimony Concerning Property Appraiser's Budget</p>	<p>8/84</p>	<p>DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999</p>
<p>(e) DR-484TC</p>	<p>Tax Collectors Summary of the _____ Budget by Appropriation Category (r. 2/97)</p>	<p>12/97</p>	<p>DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999, Vol. 25 , No. 30. A rule development workshop was held on August 17, 1999. No written or oral comments were received on the proposed amendment.</p>
<p>(24) through (25)(b) No change.</p>			
<p>(c) DR-487</p>	<p>Certification of Compliance (r. 6/99 6/96)</p>	<p>12/99 12/96</p>	
<p>(26) through (28) No change.</p>			
<p>(29)(a) DR-490</p>	<p>Notice of Disapproval of Application For Property Tax Exemption (r. 12/99 6/94)</p>	<p>12/99 12/94</p>	
<p>(b) through (37) No change.</p>			
<p>(38)(a) DR-501</p>	<p>Original Application for Ad Valorem Tax Exemption (r. 12/99 7/95)</p>	<p>12/99 12/95</p>	
<p>(b) through (c) No change.</p>			
<p>(d) DR-501SC</p>	<p>Sworn Statement of Adjusted Gross Income of Household and Return (n. 12/99)</p>	<p>12/99</p>	<p>DEPARTMENT OF REVENUE Division of Ad Valorem Tax</p>
<p>(39)(a) DR-501S</p>	<p>Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/99 12/97)</p>	<p>12/99 12/97</p>	<p>RULE TITLES: Definition and Scope of the Rules Communication of Return Information in Electronic Format Taxpayer Information and Identity Acknowledgment to Taxpayer Uniform Format for All Counties Procedures for Transfer Due Date; General Provisions</p>
<p>(b) through (46)(a) No change.</p>			<p>RULE NOS.: 12D-16.010 12D-16.030 12D-16.040 12D-16.050 12D-16.060 12D-16.080 12D-16.090</p>
<p>(b) DR-513</p>	<p>Tax Collector's Certification (r. 3/99 12/97)</p>	<p>12/99 12/97</p>	<p>PURPOSE AND EFFECT: Proposed Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, 12D-16.090, F.A.C., are created to implement the provisions of Chapter 99-208, Laws of Florida, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.</p>
<p>(c) through (52) No change.</p>			<p>SUMMARY: The proposed rules provide definitions and instructions for electronic data interchange method of filing tangible personal property tax returns.</p>
<p>(53)(a) DR-544</p>	<p>Sales Data Verification Sheet</p>	<p>6/90</p>	<p>SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.</p>
<p>(b) DR-545</p>	<p>Income Data Verification Sheet</p>	<p>1/93</p>	<p>Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.</p>
<p>(54) No change.</p>			
<p>(55) <u>Reserved</u></p>			
<p>DR-565</p>	<p>Pre-numbered Receipt for Amount Paid for Redemption of Lands Sold to Purchaser Other Than County</p>	<p>11/83</p>	
<p>(56) through (61) No change.</p>			
<p>(62) DR-594</p>	<p><u>Electronic Data Interchange TPP Return File Structure Form (n. 12/99)</u></p>	<p>12/99</p>	
<p>(63) DR-599</p>	<p><u>Electronic Data Interchange Transfer Authorization and Agreement Form (n. 12/99)</u></p>	<p>12/99</p>	

SPECIFIC AUTHORITY: 193.052, 213.06(1) FS.
 LAW IMPLEMENTED: 193.052, 193.073 FS., Ch. 99-208, L.O.F.

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

TIME AND DATE: 10:00 a.m., November 1, 1999
 PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-16.010 Definition and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicates the Form DR-405 Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser

does not specify otherwise on Form DR-599 Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7", meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser who, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless context of rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary or authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser which are part of the public records.

(10) "Trace number" means the verification code generated by the EDI system which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History—New

12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary

designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use an any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New

12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser's EDI system may be a service provider identified by the property appraiser as the appropriate data collection center must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

- 1. Business name;
- 2. Business mailing address;
- 3. Taxpayer's Federal Employer Identification Number or Social Security Number, whichever is most appropriate;
- 4. Contact person (title and telephone number);
- 5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication

between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer's written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly failed to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient which jeopardize the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New

12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New

12D-16.060 Uniform Format for All Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):

Data Element:	Number of Characters
TIP number.	15
Tax ID number.	15
FEL Number.	15
Name.	40
Reason for any extension beyond 30 days.	400

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.
Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New _____.

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.006, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New _____.

12D-16.090 Due Date; General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than

the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S. shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.006, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hugh Harrell, Process Manager, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32314-7443; telephone number (850)488-3338

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. Rule development workshops were held on August 17, 1999, in Tallahassee, Florida, and on August 18, 1999, in Orlando, Florida. As a result of recommendations received, the proposed rules have been changed from the rules as published in the July 30, 1999, issue of the Florida Administrative Weekly.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Routine Mail	33-602.401
Legal Documents and Legal Mail	33-602.402
Privileged Mail	33-602.403

PURPOSE AND EFFECT: The purpose of the proposed rules is to provide for the stamping of all outgoing inmate mail with the phrase "mailed from a state correctional institution." The effect of the proposed rules is to ensure that recipients of inmate mail are on notice that the sender is an inmate incarcerated in a state correctional facility.

SUMMARY: The proposed rule provides for the stamping of all outgoing inmate mail with the phrase "mailed from a state correctional institution."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., November 4, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.401 Routine Mail.

(1) through (8) No change.

(9) The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The return address of all outgoing mail must contain only the inmate's committed name, identification number and institutional name and institutional address. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(10) through (12) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended _____.

33-602.402 Legal Documents and Legal Mail.

(1) through (12) No change.

(13) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and

address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

(14) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended _____.

33-602.403 Privileged Mail.

(1) through (3) No change.

(4) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing privileged mail with the complete institutional name and address and shall mail it without delay. All outgoing privileged mail will be stamped "mailed from a state correctional institution" by mail room staff.

(5) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999 (Note: These rules appeared as 33-3.004, 33-3.005 and 33-3.0052 in the Notice of Rule Development. They were re-numbered subsequent to publication of that Notice.)

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The Commission is amending seven forms to note the change in the century--19__ is being amended to 20__.

SUMMARY: The forms promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically: CE Form 8A; CE Form 8B; CE Form 20; CE Form 20-R; CE Form 22; CE Form 9; and CE Form 30, are being amended to reflect the correct century.

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

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

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., November 30, 1999

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (g) No change.

(h) Form 8A, Memorandum of Voting Conflict for State Officers. To be utilized by public officers serving at the State level of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/95~~.

(i) Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. To be utilized by public officers serving at local levels of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/98~~.

(j) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(k) Form 20-R, Executive Branch Lobbyist Renewal. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(l) Form 22, Executive Branch Lobbyist's Expenditure Report. To be utilized by executive branch lobbyists for compliance with Subsection 112.3215(5), Florida Statutes. Effective 1/00 ~~4/99~~.

(m) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/00 ~~4/98~~.

(n) No change.

(o) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/00 ~~4/98~~.

(2) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000

Specific Authority Art. II, Sec. 8(f), (h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS. Law Implemented Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS. History--New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 1-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Claypool, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLE: Delegation of Authority RULE NO.: 40D-1.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to eliminate an obsolete reference to the delegation of stormwater permitting authority to the District by the Florida Department of Environmental Protection. Subsequent to the delegation in 1984, Chapter 373 was amended to provide the District with independent authority for stormwater permitting, thereby negating the need for this rule.

SUMMARY: The proposed amendment of Rule 40D-1.002, F.A.C. will eliminate the reference in subsection (1) an obsolete reference to the delegation of stormwater permitting authority to the District by the Florida Department of Environmental Protection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.026, 373.103, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427, 403.812(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

~~(1) Regulation of Storm Water Discharge~~

~~(a) Effective March 1, 1984, the District is delegated by the Department of Environmental Protection, Chapter 62-25, Florida Administrative Code, Regulation of Stormwater Discharge, and all the Department's powers and duties pertaining to the administration of such rule.~~

~~(b) The District will administer such rule through its Executive Director who shall have the full authority to exercise all powers and duties pertaining thereto.~~

~~(c) The Executive Director will advise the Governing Board during each regular monthly meeting of proposed permitting action under Rule 62.25.040, F.A.C., and receive its concurrence, unless and until the Governing Board otherwise directs that such advice and concurrence will not be necessary.~~

~~(1)(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action of certain applications to use sovereign submerged lands. Section 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation, the Director of Technical Services and the Regulation Department Directors, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapters 40D-40 or 40D-400, F.A.C.~~

~~(2)(3) The Governing Board hereby incorporates by reference the following documents:~~

(a) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County" dated May 18, 1999.

(b) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County" dated May 27, 1999.

Specific Authority 373.044, 373.103, 373.113, 373.118, ~~373.171~~ 373.219, 373.309 FS. Law Implemented 253.002, ~~373.026~~, 373.103, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427, ~~403.812(1)~~ FS. History--New 3-1-84, Amended 3-10-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt in Rule 40D-1.659, FAC certain water use forms that were previously incorporated by reference into Rule 40D-2.091, FAC. This will result in a single location in the District's rules for the incorporation of all of the District's permitting forms.

SUMMARY: The proposed amendment will incorporate by reference certain water use permitting forms in Rule 40D-1.659, FAC that are currently incorporated in Rule 40D-2.091, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Esmated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.229 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions which have been approved by the Governing Board are incorporated by reference into this Chapter and can be obtained from the District.

GROUND WATER

(1) through (14) No change.

(15) AGRICULTURAL WATER USE FORM – SEASONAL REPORT FORM NO. WUP-14.1 (1/93)

(16) AGRICULTURAL WATER USE FORM – ANNUAL REPORT FORM NO. WUP-15 (1/93)

(17) AGRICULTURAL WATER ALLOTMENT FORM NO. WUP-16 (8/90)

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference
RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to eliminate the incorporation of certain water use forms in Rule 40D-2.091, F.A.C. The forms will be incorporated in Rule 40D-1.659, F.A.C. This will result in a single location in the District’s rules for the incorporation of all of the District’s permitting forms.

SUMMARY: The proposed amendment will eliminate the incorporation of certain water use permitting forms in Rule 40D-2.091, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-2.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications” July 22, 1999, the “~~Agricultural Water Use Form, Form WUP-15 (8/90),~~” and the “~~Agricultural Water Allotment Form, Form WUP-11 (8/90),~~” are hereby incorporated by reference into this Chapter and ~~is~~ are available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113 FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLES:	RULE NOS.:
Definitions	60A-1.001
Purchase of Commodities and Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Standards and Specifications	60A-1.007
Term Contracts and Price Agreements	60A-1.008
Emergency Purchases of Commodities or Contractual Services	60A-1.009
Single Source Purchases of Commodities or Contractual Services	60A-1.010
Printing	60A-1.013
Insurance	60A-1.015
Contract Requirements for Contractual Services	60A-1.016
Procedures for Negotiation of Contracts for Purchase of Commodities/Contractual Services	60A-1.018

PURPOSE, EFFECT AND SUMMARY: The purpose of these changes is to update rules to coincide with changes made by the Legislature in Chapter 287, F.S. Changes include updating of threshold categories as well as delegating additional authority to state agencies in making purchasing decisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 15.18(7), 120.57(3)(d), 216.345, 287.017, 287.032, 287.042(4),(13) FS.

LAW IMPLEMENTED: 15.18, 20.19, 119.07(3), 120.53, 120.57(3) 216.311, 229.8331, 283.30(4), 283.31, 283.32, 283.33, 283.35, 283.56, 283.425, 287.001, 287.012(4), 287.017, 287.022, 287.042(1),(2),(4),(5),(6),(7),(8),(11),(14), 287.045(5), 287.055, 287.057(1),(3),(3)(a),(3)(c),(4), 287.058, 287.073, 287.133, 287.0595, 287.1345, 288.03, 288.121 (5), 288.701, 288.703, 288.705, 601.10, 695.25 FS.

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

TIME AND DATE: 3:00 p.m., Monday, November 1, 1999

PLACE: 4050 Esplanade Way, Suite 301, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: H. P. Barker, Jr., Chief, State Purchasing, (850)488-8131

THE FULL TEXT OF THE PROPOSED RULES IS:

60A-1.001 Definitions.

(1) A Purchase – A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or installment sales contract which may provide for the payment of interest on unpaid portions of the purchase price, or outright purchase, from a source of supply for either commodities or contractual services. All such contracts shall be in writing or through the state's Purchasing Card Program. Prior to making a purchase, purchasing offices shall review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.

(2) Invitation to Negotiate – Competitive solicitation used when an Invitation to Bid or Request for Proposal is not practicable. Agency shall document file as to conditions and circumstances resulting in this decision.

~~(3)~~(2) Informal Bid – An informal bid is defined as either a written or oral quotation not requiring a public opening of such bid at a specific time or date. Written evidence of oral quotations shall be maintained.

~~(4)~~(3) Agency Head – An agency head, within the meaning of Chapter 287, Part I, F.S., is defined as the person or in the case of a collegial body the executive director or chief administrative officer of the agency or other governmental unit who is statutorily responsible for final agency action, or his authorized designee. All designees authorized to sign on behalf of the agency head must have their signature on file with State Purchasing the Division of Purchasing.

~~(5)~~(4) Contracts – Definite Quantity-Term-Contractual Service.

(a) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Any contract between an agency and a private contract vendor shall contain the language provided in Section 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to carry out, the contract has been certified by Department of Management Services commodity number pursuant to that statute, as a correctional work program item.

(b) Definite Quantity Contract – Definite quantity contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery and acceptance of the specific quantity by the agency completes such contract.

(c) Term Contract – Indefinite quantity contract whereby the contractor(s) agrees to furnish commodity(ies) or contractual service(s) during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract. A state term contract is

defined as a term contract executed by ~~State Purchasing the Division of Purchasing~~ for use by all agencies and local governments. An agency term contract is defined as a term contract executed by an agency for use only by such agency, and not available for use by other agencies.

(d) Contractual Service Contract – A contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.

~~(6)(5)~~ Identical (Tie) Bids – Identical Bids are two or more responsive bids which are equal in price.

~~(7)(6)~~ Mutuality of Ownership – Only the low bidder of firms mutually owned may be considered in determining an award.

~~(8)(7)~~ Notice of Decision – Agency notice of its decision or intended decision for a bid solicitation, invitation to negotiate or request for proposal shall be sent to vendors and other interested persons by United States mail or by hand delivery. All notices of decision or intended decisions shall contain the protest statement, provided by Rule 28-110.005(3) F.A.C. "Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." Notice of intended awards, including rejection of some or all bids received, shall be given as provided in Rule 60A-1.001(8)(9)(a), F.A.C. Notice of all other decisions shall be given by certified mail, or other express delivery services, except that ~~State Purchasing's the Division of Purchasing's~~ notice of decision or intended decision concerning a request by an agency for approval of an exceptional purchase under Chapter 287, F.S., and the ~~State Purchasing rules of the division~~ shall be given by posting such notice in the office of ~~State Purchasing, the Division of Purchasing.~~

~~(9)(8)~~ Notice of Intended Award and Award–

(a) Notice of the intended award, including rejection of some or all of bids or proposals received, or negotiations received shall be given by posting the bid, negotiation or proposal tabulations where the bids, negotiations or proposals were opened, or by certified United States mail, return receipt requested, or other express delivery service, whichever is specified in the bid solicitation or the request for proposals. All notices of decision or intended decisions shall contain the protest statement provided by Rule 28-110.005(3), F.A.C.: "~~Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes~~", and show the beginning and ending posting time and dates for the bid or proposal or negotiation bid/proposal posting, or if noticed by certified mail, indicate such action must be taken within 72 hours after receipt of such notice.

(b) The contract shall be awarded by purchase order or other written notice to the responsive and responsible bidder with the lowest price or to the negotiator with the best and final offer or to the proposer with the highest ranking ~~with the lowest price~~ for the commodities or contractual services, except that every procurement of contractual services in excess of threshold Category Two shall be evidenced by a contract written agreement conforming to the provisions of Section 287.058, F.S. If the contract is terminated during the initial contract period, the award may be made to the next responsive offeror who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation.

(c) Issuance of a written notice of award or a purchase order for the purchase of commodities shall establish a contract between the agency and the supplier on the terms, conditions and prices specified in the invitation to bid/~~proposal~~ or invitation to negotiate or request for proposals and the bidder's/~~or negotiator's~~ or proposer's response.

~~(10)(9)~~ Purchasing Threshold Categories – The following threshold categories are established:

- (a) Category One: ~~\$5,500~~ \$15,000.
- (b) Category Two: ~~\$15,000~~ \$25,000.
- (c) Category Three: ~~\$23,000~~ \$50,000.
- (d) Category Four: ~~\$75,000~~ \$150,000.
- (e) Category Five: ~~\$150,000~~ \$250,000.

The dollar amount for these categories shall be adjusted by ~~State Purchasing the Division of Purchasing~~ after June 30 of each year, based on the April publication of the United States Department of Commerce Survey of Current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:

1. The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain-type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.

2. This rate of adjustment is applied to the base threshold amount to calculate the threshold amount for the year of annual adjustment. The base threshold category amounts are: a) Category One: ~~\$15,000~~ \$5,000; b) Category Two: ~~\$25,000~~ \$10,000; c) Category Three: ~~\$50,000~~ \$20,000; d) Category Four: ~~\$150,000~~ \$65,000; e) Category Five: ~~\$250,000~~ \$130,000. The following formula illustrates this method:

Threshold for Year of Adjustment = Base Threshold x [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]

3. The resulting threshold amount is rounded as follows: Category One to the nearest \$500, Category Two to the nearest \$1,000, Category Three to the nearest \$1,000, Category Four to the nearest \$5,000 and Category Five to the nearest \$10,000. Notwithstanding the point in time in which payment is made

for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:

- a. The date on which the invitation to bid or invitation to negotiate or request bid/request for proposals is issued.
- b. The date the purchase order is issued.
- c. The date on which the contract is entered into.

~~(11)(10)~~ Requisition – A formal ~~written~~ request to procure commodities or services on behalf of a program area. ~~Requisitions must be signed by an authorized person, and must be filed with the purchasing office.~~

~~(12)(14)~~ Purchase Order – An agency's document to formalize a purchase transaction with a vendor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date of performance, and transportation; and other factors or suitable references pertinent to the purchase such as bid number or contract number and should be signed by the purchaser.

~~(13)(12)~~ Blanket Purchase Order (Blanket Order) – An arrangement under which a purchaser contracts with a vendor to provide the agency's requirements for an item(s) or a group of items or a service, ordered on an as needed basis. It prescribes the contract term and the maximum amount of money, which may be spent. No purchase may be divided into two or more purchases for the purpose of evading the competitive bidding requirement, and each purchase made under a blanket purchase order must be of the kind that could be made without competitive bidding if there were no blanket purchase order.

~~(14)(13)~~ Field Purchase Order – A purchase order issued by an office or facility of an agency that is separate from the agency's purchasing office(s).

~~(15)(14)~~ Purchase Order Control and Accountability – It is the responsibility of the chief procurement officer of each agency to:

- (a) Provide for securing all unused purchase orders in a safe place and restricting access to these documents.
- (b) Provide for maintenance of a file and accounting for all consecutive purchase orders issued or voided.
- (c) Maintain a record of persons designated as authorized to issue and sign each type of purchase order.
- (d) Provide for a monitoring and review process for the use of blanket purchase orders and field purchase orders.

~~(16)(15)~~ Price Agreement – An agreement which State Purchasing ~~the Division of Purchasing~~ negotiates with a vendor to furnish items at a predetermined price. The agreement involves a minimum number of units, provides for orders to be placed directly with the vendor by the purchasing agency and runs for a limited period of time.

~~(17)(16)~~ Minor Irregularity – A variation from the invitation to bid or invitation to negotiate or request bid/invitation to negotiate/request for proposal terms and conditions which does not affect the price of the commodities or services bid/proposal, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, and ~~or~~ does not adversely impact the interests of the agency.

~~(18)~~ State Purchasing – formerly the Division of Purchasing, now a part of the Support Program of the Department of Management Services pursuant to Section 20.22(2), F.S.

~~(19)~~ State's Purchasing Card Program – A public-private arrangement between the Department of Management Services and a bank under which designated agency employees make purchases by means of purchasing cards, similar to credit cards, without requisitions or purchase orders.

Specific Authority 287.042, 287.032 FS. Law Implemented 283.30(4), 287.012, 287.017, 287.042, 20.19, 229.8331, 287.073, 288.03, 287.057, 601.10, 15.18, 287.001, 287.055, 287.058, 287.133, ~~288.701~~, 216.345 FS. History--New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-6-81, 10-11-81, 4-29-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, _____.

60A-1.002 Purchase of Commodities and Contractual Services.

(1) It is recommended that agencies use the state purchasing card for all Procurements, especially for purchases \$2500 or below.

~~(2)(4)~~ Purchases with value below ~~\$2,500~~ ~~\$1,000~~ shall be carried out using good purchasing practices which may include but not be limited to quotations or written records of telephone quotations. Purchases which meet or exceed ~~\$2,500~~ ~~\$1,000~~, but less than the threshold for Category ~~Two~~ ~~One~~ may be made using written quotations or written records of telephone quotations or informal bids to be opened upon receipt. ~~Will be made on two or more written quotations whenever practical.~~ Should verbal quotations be received, name and address of company and amount quoted shall be a part of the written documentation. If at least two quotations are not received, a statement as to why they were not received must be shown. ~~Purchases with a dollar value of the threshold for Category One but less than the threshold for Category Two shall be carried out using written quotations or written records of telephone quotations or informal bids to be opened upon receipt.~~ If the agency determines that commodities⁴ or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.

~~(3)(2)~~ Competitive Sealed Bids or Negotiations or Proposals – ~~Bids/proposals~~ Required on Purchases Exceeding the Threshold Amount for Category Two –

(a) In accordance with Chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids, negotiations or proposals except as provided in Section 287.057(3), F.S. or Rules 60A-1.008, 60A-1.009, and 60A-1.010, FAC. In accordance with chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids except as provided in Section 287.057(2), F.S., Rules 60A-1.008, 60A-1.009, and 60A-1.010, F.A.C. Vendors registered with the Division of Purchasing should be given consideration when issuing bids or other solicitations. When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities/contractual services established by the Division of Purchasing. Acquisitions shall be viewed and considered on an agency wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. An agency shall not divide its purchases or its purchasing operations to circumvent these requirements. A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids, unless waived, in writing, by the Division. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

(b) When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities or contractual services established by State Purchasing. Acquisitions shall be reviewed and considered on an agency-wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals

taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

(c)(b) The following purchases are not subject to the competitive sealed bid or negotiation or proposal bid/negotiation/proposal requirements of Rule 60A-1.002(2), F.A.C. Purchases described in Section 287.057(3)(f) as well as those described below do not require approval from State Purchasing the Division of Purchasing.

1. Regulated Utilities and government franchised services.
2. Regulated Public communications, except long distance telecommunications services or facilities.

3. Artistic services, academic program reviews, lectures by individuals. Artistic services include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. An academic program review is a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.

4. Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.

5. Promotional Services and Events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.

6. Payments for membership dues pursuant to Section 216.345, F.S.

7. Examinations approved in accordance with Section 455.217(1)(c), F.S.

8. Adoption placement services licensed by the Department of Children and Family Services Health and Rehabilitative Services.

(d)(e) Agencies are delegated the conditional authority to purchase commodities ~~or~~ contractual services (except insurance). The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(13), F.S.; (ii) that State Purchasing the Division retains the full supervisory authority provided by that subsection; and (iii) that State Purchasing the Division reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the

authority delegated to an agency for failure to comply with that subsection. If ~~State Purchasing the Division~~ proposes to rescind an agency's authority, it shall give the agency notice pursuant to Rule 60-4.013(2).

~~(e)(4)~~ Except for those contracts initially procured pursuant to Section 287.057(3)(a) or (3)(c), F.S., contracts for commodities or contractual services may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to 2 one year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. Vendors shall include the cost of any contemplated renewals in bids and proposals and responses to invitations to negotiate. ~~If the commodity or contractual service is purchased as a result of the solicitation of bids or proposals, the cost of any contemplated renewals shall be included in the invitation to bid or request for proposals.~~ Renewals shall be contingent upon satisfactory performance evaluations by the agency.

~~(4)(3)~~(a) Legal Advertisements – All purchases of commodities or contractual services in excess of the threshold amount for Category Two shall be advertised in the Florida Administrative Weekly or the Florida Communities Network no less than ten (10) calendar days prior to the bid opening for invitations to bid or ~~(28) calendar days prior to the proposal opening for requests for proposals or invitations to negotiate.~~ ~~This is only a minimal requirement and does not limit frequency, lapse time, or number of newspapers in which the advertisement may appear.~~ If the head of an agency or his or her ~~his/her~~ designee determines that an unusual problem exists, and to delay the bidding to provide an opportunity for advertising would be detrimental to the interest of the agency, then, and in such event, the head of such agency or the his/her ~~his/her~~ designee shall document agency file post the intended decision including with particularity the conditions and circumstances requiring waiver of advertising prior to the opening of the bids or ~~proposals or responses to invitations to negotiate in accordance with the provisions of Section 120.57(3), Florida Statutes, and applicable rule.~~

(b) Advertisement in the Florida Administrative Weekly or Florida Communities Network is not required for the reissuance of an invitation to bid, invitation to negotiate or request for proposals if the agency advertised the original bid, negotiation or proposal solicitation in the Florida Administrative Weekly or Florida Communities Network and the agency mails notice of the reissuance of the bid, negotiation or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest ~~in bidding or offering.~~

~~(5)(4)~~ Receipt of No Competitive Sealed Bids or Proposals ~~or Offers to Negotiate Bids/ Proposals~~ in the First Invitation to Bid or ~~Request for Proposal or Invitation to Negotiate~~ on Commodities or ~~Contractual Services~~ – When no competitive sealed bids or ~~proposals or offers to negotiate~~ are received for the purchase of a commodity or group of commodities or ~~contractual services~~ in response to the sealed bid or ~~proposal or negotiation~~ solicitation, the agency shall review the situation in order to determine the reasons, if any, why none was ~~no competitive sealed bids/proposals were~~ received before issuing a second invitation to bid/request for proposals; provided, however, if the agency determines that commodities or ~~contractual services~~ are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions ~~in accordance with 60A-1.018(1),~~ the agency's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, and applicable rule, before the agency may proceed with procurement. The agency shall document the agency file as to the conditions and circumstances used to determine the decision to proceed without a second call for competition bids. ~~All such actions shall be reported to the division on a quarterly basis.~~

~~(6)(5)~~ Copy of Invitation To Bid, Invitation to Negotiate or Request for Proposal of Commodities or ~~Contractual Services~~ to be forwarded to the Florida Small Business Development Center Procurement System. Agencies shall comply with Section 288.705, Florida Statutes, and shall upon request, furnish to State Purchasing the Division of Purchasing a copy of any or all invitations to bid, invitations to negotiate or requests for proposals. ~~In addition a copy of all formal solicitations for contractual services and commodities shall be furnished in a timely manner by all State agencies to the Florida Small Business Development Center Procurement System.~~ The agency's providing of copies of invitations to bid, invitations to negotiate or requests for proposals to State Purchasing the Division, or anything else herein, will not relieve the agency of its responsibilities or serve as State Purchasing's the Division's approval of the invitation to bid, invitation to negotiate or request for proposals.

~~(7)(6)~~ Conditions to be Included in Formal Invitations to Bid, Invitations to Negotiate and Requests for Proposal for Commodities and Contractual Services – (a) All formal invitations to bid issued by an agency shall include the standard "State of Florida Invitation to Bid Bidder Acknowledgment" Form PUR 7028 (Rev. 6-1-98), for commodities, "State of Florida Invitation to Bid Bidder Acknowledgment Contractual Services", Form PUR 7031 (Rev. 6-1-98) for contractual services ~~available through the Division of Purchasing and~~ which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. An invitation to bid must describe the commodities or services and require prices to be stated. If an agency contemplates a renewal of the commodities or contractual

service contract, the Invitation to Bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s), and in such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). A formal invitation to bid, request for proposal or invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses of bids unless waived in writing, by the Division. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S. The purchase order or contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the lowest responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the Invitation to Bid.

(b) All invitations to negotiate issued by an agency shall include the standard "State of Florida Invitation to Negotiate Acknowledgment" Form PUR 7105 (Rev 6-1-98) which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Invitations to negotiate shall include a statement of commodities or services sought, contractual terms and conditions applicable and the date and time for submittal of response. If the agency contemplates a renewal of the commodity or contractual services contract, the invitation to negotiate shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each proposer's submittal to cover the entire contract period including renewal(s). To assure full understanding and responsiveness of submittal of response to invitation to negotiate, discussions may be conducted with qualified proposers. Invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

(c)(b) All formal requests for proposal issued by an agency shall include the standard "State of Florida Request for Proposal Commodities Acknowledgment" Form PUR 7051 (Rev. 6-1-98) or "State of Florida Request for Proposal Contractual Services Acknowledgment" Form PUR 7033 (Rev. 6-1-98) available through the Division of Purchasing and which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Request for proposal shall include a statement of commodities or services sought, all contractual terms and conditions applicable, and the date and time for submittal of proposals. If the agency contemplates a renewal of the commodity or contractual services agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each offeror to submit an offer on the contract including renewal(s), and in such case the contract award shall be made based on an evaluation of

proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors. Notice of Request for Proposal shall be mailed at least 10 days prior to the date set for submittal of proposals. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

(e)(d) All bid, negotiation or proposal solicitations for contracts which require payment for more than one (1) year and include unequal payment streams or unequal time payment periods shall include a condition stating that the evaluation will use present value methodology with the present value discount rate as supplied by the Department of Management Services upon request, which shall be the rates identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin for the last published month at the time of issuance of the invitation to bid, invitation to negotiate or request for proposals. If the bid, negotiation or proposal requires the use of present value methodology in the evaluation, the invitation to bid, invitation to negotiate or request for proposals shall state the present value discount rate which will be used in the computations and evaluation.

(8)(7) Request to Withdraw Bid or Negotiation or/Proposal for Commodities or Contractual Services – Requests for withdrawal may be considered if received by the agency, in writing, within 72 hours after the bid or negotiation or proposal opening time and date. Requests received in accordance with this provision may be granted by the agency upon proof of the impossibility to perform based upon an obvious error on the part of the bidder or offeror.

(9)(8) Right to Reject Bids or Negotiations or/Proposals for Commodities or Contractual Services – The agency shall reserve the right to reject any or all bids or negotiations or proposals and such reservation shall be indicated in all advertising and invitations to bid, invitations to negotiate and requests for proposal.

(10)(9) Right to Waive Minor Irregularities for Commodities or Contractual Services – The agency shall reserve the right to waive any minor irregularities in an otherwise valid bid or proposal or offer to negotiate bid/proposal. Variations which are not minor cannot be waived.

(11)(10) Bid Modification for Commodities or Contractual Services – A bidder or offeror may not modify its bid or proposal after bid or proposal opening. Mistakes in an arithmetic extension of pricing may be corrected by the agency.

(12)(11) Bid Borrowing Commodities or Contractual Services – The practice of Bid or proposal or negotiation submittal borrowing (the use of a bid or proposal or submittal received in response to another invitation to bid or request for proposals or invitation to negotiate) does not satisfy the requirement of Section 287.057, F.S., and is prohibited.

~~(13)(12)~~ Inspection or Examination of Sealed Bids, Responses to Invitations to Negotiate and Proposals for Commodities and Contractual Services – Sealed bids, proposals and negotiation submittals are not public records, subject to the provisions of Section 119.07(1), F.S., until such time as the agency provides notice of a decision or intended decision pursuant to Section 120.57(3)(a), F.S., or within 10 days after bid or negotiation or proposal opening, whichever is earlier. The 10-day period does not include the date of the notice or opening. When the invitation to bid, invitation to negotiate or request for proposal requires response the bid, or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope. Bid or negotiation or proposal opening shall be public at the date and time and at the place specified in the solicitation. Openings and negotiations shall be conducted in a manner to comply with confidentiality and exemption requirements of Section 815.045 F.S. or other applicable statutes. Pollution response action contracts as provided in Section 287.0595, F.S., are confidential and exempt from the provisions of Section 119.07(1) until selection is made and a contract signed, or until bid negotiations or proposals are no longer under active consideration. This exemption is subject to Section 119.14, F.S. The opening shall be conducted by an employee of the agency and witnessed by at least one other employee of the agency. Bid or negotiation or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection by any interested party.

~~(14)(13)~~ No change.

~~(15)(14)~~ Installment Sale and Purchase Contracts – Installment sale and purchase contracts shall be accomplished on the State of Florida Contract for "Installment Sale and Purchase", Form PUR 7057 (Rev. 11-15-86), available through the Division of Purchasing which is hereby incorporated and published by reference and is approved for use by all State agencies. The use of such contracts by State agencies shall be subject in each instance to preaudit review and prior approval of the Comptroller of the State and shall contain the statement, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Refinancing Installment Sale and Purchase contracts are permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the State. Refinancing for a longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding. Any exception to the provisions of this section requires justification to and prior approval of State Purchasing the Division.

~~(16)(15)~~ No change.

~~(17)(16)~~ District Bidding – State Purchasing The Division has divided the State into four principal districts, as follows:

(a) Western District, consisting of counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Wakulla, Leon, Jefferson, Taylor, Madison, Lafayette, Dixie.

(b) Northern District, consisting of the counties of Gilchrist, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Marion, Levy, Hamilton, Suwannee, Columbia.

(c) Central District, consisting of the counties of Citrus, Sumter, Lake, Hernando, Seminole, Orange, Pasco, Pinellas, Hillsborough, Polk, Osceola, Brevard, Indian River, Manatee, Hardee, Highlands, Okeechobee, St. Lucie, Sarasota, DeSoto, Charlotte, Lee.

(d) Southern District, consisting of the counties of Glades, Martin, Hendry, Palm Beach, Collier, Broward, Monroe, Dade. State Purchasing The Division may modify the composition of these districts when deemed necessary for bidding purposes.

Specific Authority 15.18(7), 287.042(4),(13), 287.017 FS. Law Implemented 216.311, 287.012, 287.042(1),(4),(14), 287.057(1),(3),(4), 287.0595, 119.07(3), 287.133, 288.121(5), 288.703, 288.705, 695.25 FS. History—New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 2-81, Amended 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98.

60A-1.006 Vendors and Contractors.

(1) Registration of All Vendors Doing Repetitive Business with the State – All vendors doing business with the State on a repetitive basis for the sale of commodities or contractual services defined in Section 287.012, Florida Statutes, and desiring to register with State Purchasing the Division of Purchasing are required to submit to State Purchasing the Division a properly completed "Vendor Registration Application", Form PUR 7054 (Rev. 8-96) (Rev. 9-1-92), hereby incorporated by reference. When a firm is registered, a Vendor Registration Number will be issued to the applicant for retention until further notice by State Purchasing the Division. The Vendor Number shall thereafter appear on all bid or negotiation or proposal bid/proposal documents submitted to any State agency for identification purposes. The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.

(2) State Purchasing Division of Purchasing Authorized to Remove Vendors and Suppliers From Mailing Lists – State Purchasing The Division of Purchasing shall be authorized to remove from the mailing list any vendor or supplier for failure to respond to a procurement solicitation without giving justifiable reasons for such failure or non-conformance to

contract conditions. Any unlawful attempt to influence an award shall be a primary justification for removal from the approved vendor list.

(3) Default – Contractors who fail to perform to contract terms and conditions shall be notified, in writing, stating the nature of the failure to perform and providing time certain for correcting the failure (reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the contractor will be found in default and removed from the agency's approved vendor list. Unless the contractor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the contractor's failure is legally excusable, the contractor shall be found in default and issued a second notice stating the reasons the contractor is considered in default and stating that the agency will reprocure or has reprocured the commodities or services and the amount of the reprocurement if known. The defaulting contractor will not be eligible for award of a contract by the State until such time as the State is reimbursed by the defaulting contractor for all reprocurement costs. To satisfy State Purchasing the Division that further instances will not occur, the defaulting contractor shall provide a written corrective action plan addressing grounds for default. The defaulting contractor will also be advised of the right to petition for an administrative hearing on the intended decision to remove the contractor from the list pursuant to Section 120.57, F.S., and shall be given a time certain within which to submit the petition. The defaulting contractor shall reimburse the agency for all reprocurement costs and for costs of cover, that is the difference between the cost of substitute commodities or contractual services and the contract price for such commodities or contractual services. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid or second ranked offeror under an Invitation to Negotiate ~~or the offeror of the second best proposal under the Request for Proposal~~. If the agency fails to contract with the second lowest bidder/offeror of second best proposal it may attempt to contract with the next lowest bidder/offeror of the next best proposal it may attempt to contract with second lowest bidder/offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid ~~or~~ proposal conditions is found. An agency may elect to rebid or to purchase on the open market, as may be in the best interest of the State. Until such time as it reimburses the agency for all reprocurement and cover costs and State Purchasing the Division is satisfied that further instances of default will not occur, the defaulting contractor shall not be reinstated on the vendor list and not be eligible for award of a contract by the State. All correspondence to contractors respecting failure to perform shall be sent Certified U.S. Mail, Return Receipt Requested.

The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(4) A copy of all agency default actions shall be provided to State Purchasing the Division of Purchasing. Any source of supply which fails to fulfill any of its duties specified in a contract may result in State Purchasing the Division removing such contractor from the mailing list and directing all agencies to cease doing business with those firms until the contractor reimburses all reprocurement ~~and cover~~ costs and provides State Purchasing the Division with sufficient corrective action so as to satisfy State Purchasing the Division that further instances of default will not occur. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(5) Convicted Vendor List – State Purchasing The Division of Purchasing shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. State Purchasing The Division shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The initial list and revised quarterly lists shall be published in the Florida Administrative Weekly or the Florida Communities Network. If good cause exists, State Purchasing the Division shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from State Purchasing the Division. Section 287.133, F.S., does not apply to any activities regulated by the Florida Public Service Commission or to the purchase of goods or services made by any public entity from the other government agencies, from the nonprofit corporation organized under Chapter 946, F.S., or from any accredited nonprofit workshop certified under Sections 413.032-413.037, F.S.

Specific Authority 287.042, 120.57(3)(d) FS. Law Implemented 287.042, 287.017, 287.133, 120.57(3) FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, _____.

60A-1.007 Standards and Specifications.

(1) Duties – It shall be the duty of State Purchasing the Division of Purchasing to formulate, adopt, establish ~~or and/or~~ modify standards and specifications applying to all State purchases of commodities or contractual services, except for standards and specifications applicable to commodities purchased by agencies under authority delegated pursuant to Rule 60A-1.002(2)(e), F.A.C. State Purchasing The Division

may rescind the delegated authority at any time, including the delegation for preparation of standards and specifications for commodities.

(2) Receipt and Inspection of Goods shall be in accordance with the latest revision of the Standards Guide revised October 15, 1996, published by ~~State Purchasing the Division of Purchasing~~. That publication is incorporated into this section, by reference, as rules of the department. Copies may be obtained from the division at room 335.01, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) No change.

(4) ~~State Purchasing The Division of Purchasing~~ may assist agencies in the writing of standards and specifications for invitations to bid or requests for proposals. Agencies shall incorporate changes to the standards and specifications recommended by ~~State Purchasing the Division~~.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.042(2),(6),(7),(8),(11), 287.045(5) FS. History—New 2-6-68, Revised 5-20-71. Amended 7-31-75, 10-1-78, 8-6-81, 10-13-83, Formerly 13A-1.07, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.007, Amended 1-1-96, 7-6-98.

60A-1.008 Term Contracts and Price Agreements.

(1) Agencies to Furnish Tabulated Estimates of All Supplies, Materials, Equipment, Services Needed – All agencies shall furnish to ~~State Purchasing the Division of Purchasing~~ when requested and on forms provided by ~~State Purchasing the Division~~, tabulated estimates of all supplies, materials, equipment, and services needed and required by the agencies for such periods in advance as may be designated by ~~State Purchasing, the Division of Purchasing~~.

(2)(a) Bid Conditions, Evaluations, and Award of State Term Contracts and Price Agreements – All State term contract bid solicitations established by ~~State Purchasing the Division~~ will include the standard "State of Florida Invitation to Bid/ State Term Contract Bidder Acknowledgment", Form PUR 7027, (Rev. 6-1-98), incorporated herein by reference. All State term contract negotiations will include the standard "State of Florida Invitation to Negotiate Acknowledgement" Form PUR 7105 (effective 6-1-98), incorporated herein by reference. All agency term contract bid solicitations will include "State of Florida Invitation to Bid/ Agency Term Contract Bidder Acknowledgment Form", PUR 7050, (Rev. 6-1-98), or "State of Florida Invitation to Bid Contractual Services Bidder Acknowledgment", Form PUR 7031 (Rev. 6-1-98), ~~as indicated both available through the Division of Purchasing~~ which are hereby incorporated by reference, and shall contain a statement informing persons of the provisions of paragraph (2)(a), of Section 287.133, Florida Statutes. All State contract requests for proposals will include either the standard "State of Florida Request for Proposal Commodities Acknowledgment", Form PUR 7051 (Rev. 6-1-98), or "State of Florida Request for Proposal Contractual Services Acknowledgment", Form PUR 7033 (Rev. 6-1-98), and which are hereby incorporated by reference, and shall contain a

statement informing persons of the provisions of paragraph(2)(a), of Section 287.133, Florida Statutes. ~~State Purchasing The Division~~ will analyze the price history, market trends and available governmental guidelines to establish an acceptable pricing level. If the lowest responsive bid, negotiation or proposal exceeds the determined acceptable pricing level, then ~~State Purchasing the Division~~ shall accept or reject any and all valid bids, negotiations or proposals based on a comparison of prices with current market pricing, consequences of varying the length of the contract term, or other variables favorable to lower pricing, and the impact of not contracting until more favorable market conditions exist, thereby assuring that such decision is clearly in the best interest of the State. Awards may be made to one or more contractors on a Statewide or regional basis.

(b) ~~State Negotiated Agreement Price Schedule (SNAPS) – State Purchasing The Division~~ may establish price schedules for the purchase of commodities or services through negotiation with one or more suppliers for a term not to exceed one (1) year with option to renew for one additional year. ~~Annual Total purchases from any one supplier by a purchasing office must be less than the Threshold for Category Four for the contract period Five. Any single SNAPS agreement procurement shall not exceed the threshold for category two.~~ Use of SNAPS agreements price schedules is ~~are~~ not mandatory. A vendor desiring to obtain a SNAPS agreement shall submit a "State Negotiated Agreement Price Schedule" Form PUR 7061 (Rev. 4/96), incorporated herein by reference.

(3)(a) Sources of Supply to be Certified to the Agencies – After sources of supply have been established by contract or price agreement for commodities ~~or~~ contractual services, they shall be certified to the agencies which shall issue purchase orders for all supplies, contractual services, materials, and equipment required by them from the sources of supply so certified. ~~One copy of the purchase order, only when requested shall be forwarded to the Division of Purchasing.~~ It shall be unlawful to purchase any supplies, contractual services, materials or equipment on term contract from sources other than those certified on term contracts by ~~State Purchasing the Division of Purchasing~~.

(b) ~~Alternate Optional~~ Sources of Supplies and Contractual Services – Contracts established by other governmental entities which have been determined and certified by ~~State Purchasing the Division of Purchasing~~ to be cost effective may be considered for use by agencies.

(4) Exceptions

(a) ~~Authority to Purchase of~~ commodities or contractual services from other than the term contract contractor shall be documented by the agency requested by the agency from the Division of Purchasing using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98), hereby incorporated by reference. The agency shall determine describe the conditions and circumstances justifying the purchase. ~~Upon receipt of~~

justification, the Division shall respond, in writing, and approve or disapprove the request for exception. The Division purchase is justified if the agency determines shall determine whether the agency has prescribed justification showing that the contract item cannot meet an agency need because of one of these utilizing factors: such as critical delivery schedules, the need for compatibility with existing equipment, non-availability of service, and applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services. Notices of exceptions for purchases which meet or exceed the threshold amount for Category Two shall be posted. For example, an existing microcomputer, not on contract, utilizing formatted floppy discs (diskettes) with a need for expansion which requires the same media and software would be sufficient justification for a contract exception. All approved exceptions for acquisitions exceeding the threshold amount for Category Two are subject to provisions of Rule 60A-1.002, F.A.C.

(b) The Division of Purchasing, within 10 working days upon receipt of an exception request shall either request additional information or approve or deny the request to acquire a commodity not on contract, stating with particularity its reasons for granting or denying the request. The Division of Purchasing shall maintain a separate record of its decisions regarding exception requests. The Division of Purchasing's decision on an exception request shall be delivered to the requesting agency and to vendors who request copies thereof.

(c) Upon written request by an agency head, the Division shall delegate authority to make purchases for less than the threshold amount for Category One for commodities or contractual services from sources other than state term contracts. Each delegation will specify the particular conditions and requirements for such purchases. If an agency does not participate in the automated State Purchasing System, it shall report to State Purchasing on a quarterly basis on form PUR 7006 (Rev. 6-1-98) its activity in this area, including notice if there were no exceptions.

(5) Agency Contracts – When there is a State Term Contract in effect an agency shall not issue invitations to bid or requests for proposals for an agency term contract for commodities, or enter into an agency term contract for commodities, without requesting and receiving the prior approval of State Purchasing the Division of Purchasing.

(a) A copy of all agency term contracts for commodities when requested shall be forwarded to State Purchasing the Division of Purchasing upon execution.

Specific Authority 287.042 FS. Law Implemented 287.001, 287.042, 287.057, 287.017, 287.133, 695.25, 287.1345 FS. History–New 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, 5-17-79, 8-6-81, 10-12-81, 6-7-82, 11-4-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.08, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.008, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, _____.

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Statement Under Oath – Section 287.057(3)(a), F.S., requires that the agency head shall file with State Purchasing the Division of Purchasing a statement under oath certifying the conditions and circumstances requiring an emergency purchase of commodities or contractual services in excess of the threshold amount for Category Two. However, such emergency purchase shall be made with such competition as is practicable under the circumstances. Statement shall be submitted, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, within thirty (30) days after date of issuance of purchase order or contract and shall include complete details surrounding the event(s) meeting the criteria as defined in Section 287.057(3)(a), F.S., which created the emergency. A copy of the purchase order or contract shall accompany the statements.

(2) Responsibilities – State Purchasing The Division of Purchasing will not approve any purchase under this regulation as the burden of proof rests with the certifying officer; however, all statements will be reviewed by State Purchasing the Division of Purchasing, and should there be any reasonable doubt that an emergency did exist, an opinion will be filed with the Auditor General with a copy to the agency.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(a) FS. History–New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, _____.

60A-1.010 Single Source Purchases of Commodities or Contractual Services.

(1) Authorization of Single Source Purchases – If an agency determines that a commodity or contractual service is available from a single source and total cost is in excess of the threshold for Category Two, but not in excess of the threshold for Category Four, the agency shall document the circumstances and conditions of the determination and post for 72 hours the intended agency action in accordance with the provisions of Section 120.57(3), F.S. This information shall be maintained in the agency file. Purchases in excess of the threshold for Category Four of commodities or contractual services from a single source may be excepted from bid requirements by State Purchasing the Division of Purchasing, in writing, upon the filing of a certification, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, by the agency head stating the conditions and circumstances requiring the purchase meeting the provisions as defined in Section 287.053(7)(c), F.S. and Rule 60A-1.002(4), F.A.C. This certification shall set forth the purpose and need, and why the commodity or contractual service is the only one that will produce the desired results. State Purchasing's The Division's intended decision shall be posted in accordance with the provisions of Section 120.57(3), Florida Statutes, within 21 days after receipt or within 14 days after receipt of additional materials, if requested. Failure of

~~State Purchasing the Division~~ to approve or disapprove the request promptly after expiration of the time periods provided for protests by the statute or within the 21 day period (as extended by the 14 day period), whichever is later, shall constitute prior approval unless a protest is filed. If a protest is filed, the running of the 21 day and 14 day periods ~~is are~~ stopped until the protest is resolved by final agency action, subject to the provisions of Section 120.57(3), F.S.

(2) Annual Certification of Purchases – ~~State Purchasing The Division~~ may, in writing, approve annual certifications for those commodities/contractual services purchased on a regular or continuing basis and which have been proven to be available from a single source.

~~(3) When an agency solicits bids for a commodity or/ contractual service and receives no competitive sealed bid or/ proposal, the agency should not request authorization of a single source purchase of the commodity or/contractual service until after the lapse of time during which protests arising from the contract bidding process can be filed, or until after resolution of any protest, whichever is later. When State the Division of Purchasing authorizes a single source purchase of a commodity or/contractual service that was the subject of an invitation to bid or request for proposals, its authorization is conditional upon the agency's compliance with all purchasing laws and rules.~~

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(c) FS. History–New 2-6-68, Revised 5-20-71, Amended 2-81, 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98,_____.

60A-1.013 Printing.

Specific Authority 287.042(13) FS. Law Implemented 283.30, 283.31, 283.32, 283.33, 283.35, 283.425, 283.56, 287.057, 287.012(4), 287.017 FS., Joint Administrative Procedures Committee Objection Filed – See FAW Vol. 1, No. 16, April 25, 1975 and Vol. 1, No. 38 September 26, 1975. History–New 7-31-75, Amended 1-3-77, 10-1-78, 8-6-81, 3-14-84, 5-10-84, Formerly 13A-1.13, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.013 Amended 1-1-96, Repealed_____.

60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing the Division whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Division of State Group Insurance Department of Administration and Self-Insurance Trust Fund administered by the Department of Insurance, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(3)(a), F.S. All invitations to bid for the purchase of insurance coverage shall include the standard "State of Florida Invitation to Bid Insurance Coverage" Form PUR 7109 (Rev. 6-1-98), which is incorporated herein by reference. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to ~~State Purchasing the Division of~~

~~Purchasing~~. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

(2) No change.

(3) Invoices will be forwarded by ~~State Purchasing the Division~~ to the Department of Insurance for the initial rate approval. The Department of Insurance will transmit the invoice and rate approval to the State agency for payment. All renewals and endorsements with the same rate as previously approved by the Department of Insurance will be transmitted to the State agency by State Purchasing the Division. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.

Specific Authority 287.042 FS. Law Implemented 287.022 FS. History–New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98,_____.

60A-1.016 Contract Requirements for Contractual Services.

Contract Terms – A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the contractor prior to the rendering of the contractual services, except in the case of a valid emergency as certified by the agency head. If the agency chooses to procure contractual services by purchase order in lieu of a written agreement, then the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required prior to rendering of the service, the agency head, no later than 30 days after contractor begins rendering the service, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to ~~State Purchasing the Division~~ using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98).

Specific Authority 287.032, 287.042 FS. Law Implemented 287.042, 287.057, 287.058, 287.017, 287.133 FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98,_____.

60A-1.018 Procedures for Negotiation of Contracts for Purchase of Commodities/Contractual Services.

Specific Authority 287.042(13) FS. Law Implemented 287.042(2),(5), 287.057(4) FS. History–New 11-3-88, Amended 4-10-91, Formerly 13A-1.018, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Sampey, Director of State Purchasing
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Rowell, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Display and Possession of Required Documents
 RULE NO.: 61G5-20.004

PURPOSE AND EFFECT: The proposed changes to the current Rule will specify those documents which are required to be kept and displayed in a cosmetology or specialty salon.

SUMMARY: The proposed rule will require all cosmetology and specialty salon license holders to maintain and display certain documents related to the licensure and operation of the salon; and, to ensure that the license or registration for all individuals working in the salon are displayed at the individual's work station.

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

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

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G5-20.004 follows. See Florida Administrative Code for present text.)

61G5-20.004 Display and Possession of Required Documents.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

- (a) the current salon license,
- (b) a legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall maintain within their salon a copy of the laws governing the practice of cosmetology as set forth in Chapter 477, Florida Statutes, and all administrative rules as adopted by the Board and set forth in Chapter 61G5, Florida Administrative Code, which shall be no more than one year old. It shall be the

personal responsibility of the holder of the cosmetology or specialty salon license to obtain a copy of the above referenced laws and rules.

(3) All holders of a cosmetology or specialty salon license shall require and ensure that all individual engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. A photograph of the individual whose name appears on the displayed license or registration certificate, which is approximately 2" by 2" and less than two years old, shall be permanently attached or affixed to all displayed licenses and registration certificates.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History--New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Hair Braiding, Hair Wrapping, and Body Wrapping Fees
 RULE NO.: 61G5-24.019

PURPOSE AND EFFECT: The proposed changes to the current rule will specify the fees to be paid by those individuals who are or desire to become registered as body wrappers.

SUMMARY: The proposed amendments to the current rule will set forth the initial registration fee, biennial renewal fee, delinquency fee, reactivation fee, and change in the status for body wrapper applicants and registrants.

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

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

SPECIFIC AUTHORITY: 477.016, 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter 98-323, Laws of Florida.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles , Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.019 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Fees.

(1) The initial fee for registration as a hair braider, ~~or~~ hair wrapper, or body wrapper shall be twenty-five dollars (\$25.00).

(2) The fee for biennial renewal of a hair braiding, ~~or~~ hair wrapping, or body wrapping registration in an active or inactive status shall be twenty-five dollars (\$25.00).

(3) The delinquency fee to be paid by a delinquent status hair braider registrant, ~~or~~ hair wrapper registrant, or body wrapper registrant when applying for either active or inactive status shall be twenty-five dollars (\$25.00). The delinquency fee shall be paid in addition to the normal renewal fee for the status for which the registrant has applied.

(4) The fee for the reactivation of an inactive hair braider, ~~or~~ hair wrapper, or body wrapper registration to active status shall be fifty dollars (\$50.00). The reactivation fee shall be paid in addition to any difference between the normal inactive renewal fee and the active renewal fee.

(5) The fee for a change in the status of a hair braider, ~~or~~ hair wrapper, or body wrapper registration if requested at a time other than the normal renewal period shall be five dollars (\$5.00).

Specific Authority 477.016, 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS, Chapter ~~99-251 98-323~~, Laws of Florida. Law Implemented 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter ~~99-251 98-323~~, Laws of Florida. History--New 2-1-95, Amended 11-9-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements

RULE NO.: 61G5-31.004

PURPOSE AND EFFECT: The proposed changes to the current Rule will set forth the specific course requirements for body wrapping courses which are required for registration as a body wrapper.

SUMMARY: The proposed amendment to the current Rule will set forth the specific hours per subject and general items which are to be covered in the various subjects included in a body wrapping course.

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

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

SPECIFIC AUTHORITY: 477.0132, 477.016 FS.

LAW IMPLEMENTED: 477.0132 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles , Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-31.004 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Course Requirements.

(1) through (2) No change.

(3) All body wrapping courses taught for purposes of qualifying an individual for initial registration as a body wrapper shall be a two-day, 12-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) Three (3) hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction, a student shall be able to understand:

1. the causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;

2. the dangers associated with these diseases; and

3. how to avoid contamination from the diseases in the practice of body wrapping.

(b) Four (4) hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction, a student shall be able to understand:

1. universal sanitation and sterilization precautions;

2. how to distinguish between disinfectants and antiseptics; and

3. how to sanitize hands and disinfect tools used in the practice of body wrapping.

(c) Four (4) hour of instruction regarding disorders and diseases of the skin. At the conclusion of this instruction, a student shall be able to understand:

1. disorders and diseases of the skin and how to distinguish between them; and

2. when skin wrapping services can be performed on a patron with disorders or diseases of the skin.

(d) One (1) hour of instruction regarding laws and rules of the Board which affecting and govern the practice of body wrapping. At the conclusion of this instruction, a student shall be able to understand:

1. the laws and rules of the Board that protect the health, safety, and welfare of the consumer;

2. the laws and rules of the Board that determine where and when an individual may legally practice body wrapping;

3. the function of the Board of Cosmetology, how its members are appointed, and their duties;

4. the laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;

5. the dates, fees, and requirements for renewal of a body wrapping registration.

(4)(3) All proposed hair braiding, ~~or~~ hair wrapping, or body wrapping courses ~~course~~ must be submitted for presentation to the Board no later than 30 days prior to the next regularly scheduled meeting of the Board at which the proposed course is to be considered for approval. No hair braiding, ~~or~~ hair wrapping, or body wrapping course may be taught for credit towards the initial hair braiding, ~~or~~ hair wrapping, or body wrapping registration requirements until it has been reviewed and approved by the Board.

(5)(4) All providers of hair braiding, ~~and~~ hair wrapping, and body wrapping courses shall provide to all individuals who successfully complete the course a certificate of completion which shall indicate the title of the course completed, the provider's name, the student name, the date of the course, and the total number of hours successfully completed.

Specific Authority 477.0132, 477.016 FS., Chapter 99-251, Laws of Florida. Law Implemented 477.0132 FS., Chapter 99-251, Laws of Florida. History—New 2-1-95, Amended 4-8-96, 11-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Continuing Education

RULE NO.: 61G5-32.001

PURPOSE AND EFFECT: The proposed changes to the current rule will further specify the nature of the materials and information which is required to be submitted with an application for approval of a continuing education course.

SUMMARY: The proposed amendment to the current rule will specify that a narrative summary of all areas to be covered in each subject, topic and subtopic which is to be taught in a continuing education course must be submitted with an application for approval of continuing education course.

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

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

SPECIFIC AUTHORITY: 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-32.001 Continuing Education.

(1) through (6) No change.

(7) COURSE APPROVAL AND REQUIREMENTS –

(a) through (b) No change.

(c) Continuing education providers seeking approval of a continuing education course shall submit a complete application for continuing education course approval to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 60 days prior to the next scheduled Board meeting at which the course is to be considered for approval. A complete application for continuing education course approval shall consist of the following:

- 1. through 2. No change.
- 3. a course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials;
- 4. through 6. No change.
- (d) through (k) No change.
- (8) No change.

Specific Authority 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.219(3), 455.2228, 477.019(7) FS. History--New 3-25-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: RULE NOS.:
 Qualifications for Examination 64B9-3.002
 Criteria for Credentialing Agencies 64B9-3.014

PURPOSE AND EFFECT: The purpose of the amendments to 64B9-3.002 and promulgation of 64B9-3.014 is to require profession evaluation of foreign nursing education to assist the Board in ensuring that license applicants meet Florida's minimum standards.

SUMMARY: The rules require profession evaluation of foreign nursing education to assist the Board in ensuring that license applicants meet Florida's minimum standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 455.564(1), 464.008, 464.018(2)(a), 112.011(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., December 8, 1999

PLACE: 2637 South Atlantic Ave, Hilton Hotel, Daytona Beach, Florida 32118

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) Certification by a physician licensed pursuant to Chapter 458 or 459, F.S., physician's assistant licensed pursuant to Chapters 458 or 459, F.S., or A.R.N.P. certified pursuant to Chapter 464, F.S., that the applicant is in good mental and physical health.

(b) No change.

(c) If graduated from an approved program in Florida, a notice of graduation or of completion of the requirements for graduation; if not, an official certified transcript from the applicant's program or equivalent documentation which specifically sets forth all courses successfully completed, the date of the applicant's graduation, and the degree, certificate or diploma awarded. If the applicant is seeking to qualify to write the examination on the basis of education received in country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C. Provided, however, if an applicant seeking to qualify to write the examination on the basis of education received in a country other than the United States can demonstrate a compelling reason why an official transcript cannot be obtained, the Board may accept, in lieu of this requirement, evidence that the required course content in nursing programs in the applicant's original country of licensure was substantially equivalent to that required in Florida at the time of the applicant's original licensure and one of the following:

1. A license or required registration to practice nursing in a country other than the United States;

2. Other official documents or instruments from the country of origin indicating that the applicant was licensed or eligible for licensure to practice nursing in that country.

(d) through (f) No change.

(2) through (3) No change.

~~(4) An applicant educated in a country other than the United States who is unable to meet the requirements of 64B9 3.002(1)(c) above, may qualify to write the examination upon satisfying the provisions of either (a) or (b) below:~~

~~(a) If the applicant has presented an official document verifying licensure or eligibility for licensure in another country, but there is limited or no information on nursing education in the original country of licensure, the applicant shall:~~

~~1. present substantial detailed information on the educational program attended, the courses of study, including theory and clinical experiences, and the practice of nursing following graduation. Such information may be required in writing and/or orally through interview.~~

~~(4)2. An applicant whose education was not in the United States must correct any deficiencies in education determined by the Board after review of the report submitted by the credentialing agency by successfully completing appropriate courses in an approved nursing program and by providing official documentation from the program setting forth the courses successfully completed.~~

~~(b) If the applicant has no official document verifying licensure or eligibility for licensure in another country, and there is limited or no information on nursing education in the original country of licensure, the applicant shall:~~

~~1. Prove licensure or eligibility for licensure in the absence of original documents. Proof shall consist of at least three notarized statements from nurses with current Florida licensure who have personal knowledge of the applicant having been licensed as nurse or having graduated from a program for the preparation of professional nurses in the country of origin or in another country.~~

~~2. Present substantial detailed information on the educational program attended, the courses of study, including theory and clinical experiences, and the practice of nursing following graduation. Such information may be required in writing and/or orally through interview.~~

~~3. If the Board determines that the evidence presented reasonably verifies the applicant's status as a nurse in another country the applicant must successfully complete a program approved by the Board which includes in the curriculum at least the following requirements:~~

~~a. Theoretical instruction and clinical experience in medical, surgical, obstetric, pediatric, geriatric, and psychiatric nursing. There shall be instruction and clinical experience in both acute and long term care situations.~~

~~b. Theoretical instruction and clinical application of nursing process, human growth and development through the life span, cultural diversity, community health, pharmacology and administration of medications, nutrition, legal aspects of practice, interpersonal relationship and leadership skills, professional role and function, health teaching and counseling skills and current issues in nursing practice.~~

~~The applicant must provide official documentation from the program setting forth the courses successfully completed and the date of completion of all program requirements.~~

~~(c) An applicant who satisfies paragraph (a) or (b) above may practice as an applicant for examination in accordance with Rule 64B9 3.003.~~

~~(5) through (7) No change.~~

~~Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008, 464.018(2)(a), 112.011(1)(b) FS. History--New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8-21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98.~~

64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

(1) Professional standard.

(a) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b) The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

(2) Services.

(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.

(b) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(c) The credentialing agency must manage the translation of original documents into English.

(d) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

(3) Organization

(a) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(b) The credentialing agency must have nursing educators on staff.

(4) Credentials evaluation report.

(a) The references used in the evaluation must be cited in the credentials report.

(b) The credentials report must state the language of nursing instruction and the language of textbooks for nursing education.

(c) The credentialing agency must use only original source documentation in evaluating nursing education

(d) The report must state the comparability of the foreign education to U.S. standards.

(e) The report must detail course clock hours for theory and clinical components of nursing education

Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

RULE NOS.:	RULE TITLES:
5-1.005	Aquaculture Certificate of Registration
5-1.006	Minimal Impact Aquaculture Facilities
5-1.007	Failure to Comply With the Interim Measures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.5493(d)1., F.S., published in Vol. 25, No. 30, July 30, 1999, of the Florida Administrative Weekly:

The changes were made in response to written comments received from The Florida Legislature Joint Administrative Procedures Committee.

One sentence in subsection 5-1.005(1) has been changed so that when adopted it will read: "... and submit an Aquaculture Rule Notification Form FDACS Form 5-1.008(1)...."

One sentence in subsection 5-1.005(3) has been changed so that when adopted it will read: "... and pays the appropriate \$50 application fee...."

One sentence in subsection 5-1.005(4)(c) has been changed so that when adopted it will read: "... submit a complete application and the \$50 fee...."

One sentence in subsection 5-1.006(2) has been changed so that when adopted it will read: "... and submit FDACS Form 5-1.008(1)...."

Section 5-1.007 has been changed so that when adopted it will read as follows:

"If any aquaculture producer fails to comply with the interim measures required for certification, the Department shall take action consistent with its authority to assure proper

implementation and compliance with s. 597.0041, F.S. Specifically, producers not complying with interim measures will be subject to either suspension or revocation of their aquaculture certificate of registration. If an aquaculture producer is found to be in non-compliance with interim measures, the Department will notify the producer in writing. Failure to respond to the issues addressed in the notification within 30 days shall result in the suspension of the producer's aquaculture certificate of registration. Failure to respond to the issues addressed in the notification within 60 days shall result in the revocation of the producer's aquaculture certificate of registration."

The title of section 5-1.008 has been changed so that when adopted it will read: "Aquaculture Rule Notification Form."

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5H-24	Permanent Collections: Administration of Permanent Collections
RULE NOS.:	RULE TITLES:
5H-24.005	Loan of Department or Museum – Owned Artifacts
5H-24.006	Deaccession and Disposal of Department of Museum – Owned Artifacts
5H-24.007	Use of Museum Records
5H-24.008	Forms and Instructions

NOTICE OF CHANGE

Notice of change is hereby given that the following substantive changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. This rule was originally published in Vol. 25, No. 28 of the July 16, 1999 issue of the Florida Administrative Weekly. The rule shall now read as follows:

5H-24.005(7) The word (may) was struck and replaced with the word (will).

(7) The museum will ~~may~~ seek to recover cost associated with loans, including cost for material, staff time, and shipping or transportation, and such cost will ~~may~~ be charged to the borrowing entity. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Museum's operating account. Any income received from the loan of Department or Museum-owned artifacts is used to acquire additional artifacts, to defray the cost associated with the loan, or to assist in the curation or maintenance of Department or Museum-owned artifacts.

5H-24.006(2)(a) The word (may) was struck and replaced with the word (will).

(2)(a) Deaccessioning and disposing of a Department or Museum-owned artifact will ~~may~~ be recommended only if: