

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Annual Audited Financial Reports
RULE NO.: 4-137.002
PURPOSE AND EFFECT: Proposed amended rule 4-137.002(7)(c) would specify criteria for relief from the 7-year limit for an independent CPA to render audited financial reports of an insurer. Proposed amended rule 4-137.002(8) would reduce the per-day fine for late applications for approval of combined financial reports. Proposed deleted rule 4-137.002(16) would delete an unnecessary severability provision.

SUBJECT AREA TO BE ADDRESSED: Qualifications of independent Certified Public Accountants, consolidated or combined audits, severability provision.

SPECIFIC AUTHORITY: 624.308(1), 624.424(8)(e) FS.

LAW IMPLEMENTED: 624.324, 624.424(8) FS.

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

TIME AND DATE: 9:30 a.m., December 5, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wayne Johnson, Bureau Chief, Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-137.002 Annual Audited Financial Reports.

(1) through (6) No change.

(7) Qualifications of Independent Certified Public Accountant.

(a) through (b) No change.

(c) A partner or other person responsible for rendering a report may not act in that capacity for more than seven (7) consecutive years. Following any period of service that person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates

for a period of two (2) years. An insurer may make application to the Department for relief from the above rotation requirement on the basis of a determination by the Department that the accountant is exercising independent judgement that is not unduly influenced by the insurer, considering the following factors: pursuant to Section 624.424, Florida Statutes:

1. Number of partners, expertise of the partners, or the number of insurance clients in the currently registered firm;

2. Premium volume of the insurer; and

3. Number of jurisdictions in which the insurer transacts business.

(d) through (e) No change.

(8) Consolidated or Combined Audits.

(a) No change.

~~1.(b)~~ The application for approval to consolidate is required each year, and must be filed with the Department prior to the end of the calendar year for which the approval is being granted, except that applications for approval will be accepted after the end of such calendar year subject to the imposition of an administrative fine on each insurer involved in such application as provided for in section 624.4211(2), Florida Statutes ~~provided such application is received by the Department prior to March 1 immediately subsequent to the end of the calendar year for which such approval is being requested.~~

2. The amount of the fine shall be ~~\$50~~ \$500 per day for each day beyond the end of the calendar year, not to exceed an aggregate amount of \$10,000 for the group of insurers requesting permission to file on a consolidated basis.

(c) No change.

(9) through (15) No change.

~~(16) Severability Provision. If a subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected thereby.~~

Specific Authority 624.308(1), 624.424(8)(e) FS. Law Implemented 624.324, 624.424(8) FS. History—New 3-31-92, Amended 3-14-94, 8-17-98,_____.

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Risk Rates	4-149, Part X
RULE TITLES:	RULE NOS.:
Scope	4-149.201
Standard Risk Rates	4-149.202
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Stand Risk Rates	4-149.205
Preferred Provider/Exclusive Provider	
Stand Risk Rates	4-149.206
Health Maintenance Organization Stand	
Risk Rates	4-149.207

PURPOSE AND EFFECT: Section 627.6675, F.S. requires that the Department annually survey the market to determine the "standard risk rates". The results of our latest survey is the basis for 2001 rates. The Rule where these rates have been published is updated to reflect these new results.

SUBJECT AREA TO BE ADDRESSED: Annual determination of standard risk rates by the Department of Insurance.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 627.307(1), 627.6498(4), 627.6675(3), 641.3922(3) 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: 1:00 p.m., December 6, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Frank Dino, Actuary, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Frank Dino at (850)413-5014.

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Prevention – General Provisions

RULE CHAPTER NO.: 4A-3

PURPOSE AND EFFECT: Revise laws implemented; update rules to refer to the State Uniform Firesafety Standards; revise rules to provide for inspections of state owned buildings; repeal certain rules providing for inspections of state leased buildings.

SUBJECT AREAS TO BE ADDRESSED: Above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

TIME AND DATE: 9:00 a.m., December 6, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399

TIME AND DATE: 9:00 a.m., December 7, 2000

PLACE: State Service Center, Hurston Building, South Tower Conference Rooms A and B, 400 W. Robinson Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Prevention – Precautions

RULE CHAPTER NO.: 4A-28

Against Fire, General
PURPOSE AND EFFECT: Repeal chapter as without statutory authority and unnecessary.

SUBJECT AREAS TO BE ADDRESSED: Repeal of chapter.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**

Uniform Fire Safety Standards for
Nonresidential Child Care Facilities 4A-36

PURPOSE AND EFFECT: Revise laws implemented; update rules to refer to the State Uniform Firesafety Standards; revise rules to provide for inspections of state owned buildings; repeal certain rules providing for inspections of state leased buildings.

SUBJECT AREAS TO BE ADDRESSED: Above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**

Uniform Fire Safety Standards for
Residential Facilities for
Individuals with Developmental
Disabilities 4A-38

PURPOSE AND EFFECT: Revise laws implemented; revise references to Department of Health and Rehabilitative Services to Department of Children and Family Services; clarify references to defined terms; provide for the local authority having jurisdiction to take over certain functions of property

owners; adopt new provisions of the National Fire Protection Association (NFPA 101), i.e., Chapter 32 for new buildings and Chapter 33 for existing buildings.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**

Uniform Fire Safety Standards for
Residential and Nonresidential
Child Care Facilities 4A-41

PURPOSE AND EFFECT: Revise laws implemented; update chapter to provide for the Life Safety Code (NFPA 101) as it relates to residential board and care; adopt NFPA 30, Combustible Liquids, 30A, and NFPA 101; repeal references to nonresidential child care facilities; repeal reference to Chapter 10C-15, Florida Administrative Code (F.A.C.)

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks
RULE CHAPTER NO.: 4A-42

PURPOSE AND EFFECT: Revise law implemented; update NFPA 501A to 1996 edition.

SUBJECT AREAS TO BE ADDRESSED: Above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Transient Public Lodging Establishments and Timeshare Plans or Timeshare Unit Facilities
RULE CHAPTER NO.: 4A-43

PURPOSE AND EFFECT: Revise laws implemented; make chapter applicable to timeshare plans or facilities; revise law implemented; revise to provide that existing facilities may continue to use battery powered smoke detectors with certain restrictions; adopt certain portions of NFPA 72; repeal adoption of NFPA 74-6-2; require all public lodging establishments and time share plans and units to be sprinklered in accordance with Sections 509.215 and 721.24, Florida Statutes; repeal provisions for extensions; adopt NFPA 72 and repeal NFPA 74.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Elevators
 RULE CHAPTER NO.: 4A-47

PURPOSE AND EFFECT: Revise laws implemented; provide technical, non-substantive changes; revise definition of "machine rooms or spaces" as the space in which the driving machine and the association control equipment for an elevator or group of elevators, dumbwaiter, or escalators is located; revise references to include the Florida Building Code; reference Rule 61C-5.001, F.A.C.; update editions of certain codes adopted; adopt NFPA 72.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Safety Standards for Fire Alarm Systems
 RULE CHAPTER NO.: 4A-48

PURPOSE AND EFFECT: Update laws implemented; provide for continuation of use of certain fire alarm systems provided they are fully functional and approved by the authority having jurisdiction; provide for fire alarm systems to be approved by nationally recognized testing laboratory; substitute Record of

Completion for test certificate in 4A-48.005(1), F.A.C.; provide additional requirements for fire alarms; provide certain requirements for companies wishing to do monitoring in fire departments' areas.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Self-Service Gasoline Stations
 RULE CHAPTER NO.: 4A-49

PURPOSE AND EFFECT: Revise laws implemented; provide new requirements for self-service gasoline stations.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fees Rule Chapter RULE CHAPTER NO.: 4A-52

PURPOSE AND EFFECT: Revise laws implemented; clarify application of fees; update to conform to change in statute of application to state-leased buildings; clarify application of inspection fees.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

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DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards RULE CHAPTER NO.: 4A-53

for Hospitals and Nursing Homes
PURPOSE AND EFFECT: Clarify that rules apply to new and existing hospitals and nursing homes.

SUBJECT AREAS TO BE ADDRESSED: Fire safety for hospitals and nursing homes.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Uniform Fire Safety Standards for Correctional Facilities RULE CHAPTER NO.: 4A-54

PURPOSE AND EFFECT: Revise laws implemented; provide that rules are applicable to both new and existing correctional facilities; adopt and incorporate Department of Management Services, General Services Standard (850)500-170 or ASTM E 906; adopt NFPA 101, Chapter 22 or 23, as applicable.

SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.
 LAW IMPLEMENTED: 633.022 FS.
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DEPARTMENT OF INSURANCE

Division of State Fire Marshal
 RULE CHAPTER TITLE: Uniform Fire Safety Standards for Public Food Service Establishments
 RULE CHAPTER NO.: 4A-55
 PURPOSE AND EFFECT: Revise laws implemented; substitute a public food service establishment for correctional facilities; repeal 4A-55.004, Definition, as unnecessary.
 SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.
 LAW IMPLEMENTED: 633.022 FS.
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 PLACE: State Service Center, Hurston Building, South Tower Conference Rooms A and B, 400 W. Robinson Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal
 RULE CHAPTER TITLE: Uniform Fire Safety Standards for Migrant Labor Camps
 RULE CHAPTER NO.: 4A-56
 PURPOSE AND EFFECT: Revise laws implemented; clarification of technical references; revise applicability of chapter to migrant labor camps using manufactured homes.
 SUBJECT AREAS TO BE ADDRESSED: All of the above changes.

SPECIFIC AUTHORITY: 633.01(1) FS.
 LAW IMPLEMENTED: 633.022 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.
 TIME AND DATE: 9:00 a.m., December 6, 2000
 PLACE: Room 116, Larson Building, 200 E Gaines Street, Tallahassee, FL 32399
 TIME AND DATE: 9:00 a.m., December 7, 2000
 PLACE: State Service Center, Hurston Building, South Tower Conference Rooms A and B, 400 W. Robinson Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices
 RULE CHAPTER NO.: 5L-3

PURPOSE AND EFFECT: The purpose and effect is to make amendments and additions to the Aquaculture Best Management Practices Manual, July 2000.

SUBJECT AREA TO BE ADDRESSED: Aquaculture Best Management Practices Manual, July 2000.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherman Wilhelm, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-4033
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Florida Forever Program
 RULE CHAPTER NO.: 9K-7

RULE TITLE(S): Florida Forever Program
 RULE NO.: 9K-7.001

PURPOSE AND EFFECT: Establish Florida Communities Trust grant application procedures for Florida Forever funds

SUBJECT AREA TO BE ADDRESSED: Grant application procedures of the Florida Communities Trust under Florida Forever.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 259.1051, 380.501-.515 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 noon, Monday, December 4, 2000

PLACE: Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-2207, SunCom 292-2207, at least seven days before the date of the hearing. If you are hearing or

speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-2207, SunCom 292-2207

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Florida Forever Land Acquisition Procedures
 RULE CHAPTER NO.: 9K-8

RULE TITLE: Florida Forever Land Acquisition Procedures
 RULE NO.: 9K-8.001

PURPOSE AND EFFECT: Establish Florida Communities Trust land acquisition procedures for Florida Forever funds.

SUBJECT AREA TO BE ADDRESSED: Land acquisition procedures of the Florida Communities Trust under Florida Forever.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 259.1051, 380.501-.515 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 noon, Monday, December 4, 2000

PLACE: Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-2207, SunCom 292-2207, at least seven days before the date of the hearing. If you are hearing or

speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-2207, SunCom 292-2207

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Specific Exemptions	12A-1.001
Schools Offering Grades K Through 12; Parent-Teacher Associations; and Parent-Teacher Organizations	12A-1.0011
Sales Tax Brackets	12A-1.004
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Receipts from Services Rendered by Insect or Pest Exterminators	12A-1.009
Cleaning Services	12A-1.0091
Receipts from Sales by Barber Shops and Beauty Shops	12A-1.010
Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business	12A-1.011
Credit for Taxes Paid in Error	12A-1.013
Refunds and Credits for Sales Tax Erroneously Paid	12A-1.014
Trade and Cash Discounts	12A-1.018
Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services	12A-1.037
Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records	12A-1.041
Vending Machines	12A-1.044
Sale of Agricultural Products	12A-1.048
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056
Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements	12A-1.0565
Trade Stamps	12A-1.058
Registration	12A-1.060
Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats	12A-1.064
Sales by Governmental Agencies and Instrumentalities and Exempt Institutions	12A-1.069
Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands	12A-1.080
Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes	12A-1.087
Use Tax	12A-1.091
Authority to Issue Subpoenas and Subpoenas Duces Tecum	12A-1.0935

Revocation of Sales Tax Certificates of Registration	12A-1.0955
Industrial Machinery and Equipment for Use in a New or Expanding Business	12A-1.096
Public Use Forms	12A-1.097
Service Warranties	12A-1.105
PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.001, F.A.C. Specific Exemptions, is to: (1) remove unnecessary references to other rules sections; (2) remove provisions regarding the exemption provided for religious publications that are clearly provided in s. 212.06(9), F.S.; (3) remove provisions regarding the sale of fertilizers, insecticides, fungicides, seeds, and the purchase of nets and other items by commercial fishermen that will be provided in Rules 12A-1.048 and 12A-1.087, F.A.C., as amended; (4) remove language that is redundant of the provisions of Rule 12A-1.064, F.A.C., regarding the purchase of certain items used in the repair and maintenance of vessels; (5) remove provisions regarding the sale of fuel that are provided in Rule 12A-1.059, F.A.C.; (6) remove provisions regarding the exemption provided for hospital rooms and meals that are clearly provided in s. 212.08(7)(i), F.S.; (7) remove obsolete provisions regarding the sale of advertising slides; (8) remove provisions regarding safety deposit boxes that are repetitive of Rule 12A-1.070, F.A.C.; (9) remove provisions regarding purchases by and sales by schools that will be provided in Rule 12A-1.0011, F.A.C., as created; (10) remove provisions regarding professional, insurance, or personal service transactions and the sale of information services that are redundant of the provisions of s. 212.08(7)(v), F.S., or Rule 12A-1.062, F.A.C.; (11) clarify provisions regarding the exemption provided for guide dogs and remove the unnecessary incorporation by reference of forms DR-151 and DR-152, which are not required to be adopted as a rule, as defined in s. 120.52(15), F.S.; (12) remove provisions regarding the sale of artificial commemorative flowers that are clearly provided in s. 212.08(7)(a), F.S.	
The purpose of the proposed creation of Rule 12A-1.0011, F.A.C., Schools Offering Grades K through 12; Parent-Teacher Organizations; and Parent-Teacher Associations, is to: (1) consolidate guidelines for schools offering grades K through 12, parent-teacher associations (PTAs), and parent-teacher organizations (PTOs) into one administrative rule; (2) define the terms "schools offering grades K through 12," "parent-teacher associations," and "parent-teacher organizations"; (3) provide guidelines for when school districts may make tax exempt purchases for parent-teacher associations or parent-teacher organizations; (4) provide guidelines for when schools offering grades K through 12, PTAs, and PTOs may pay tax on their purchases in lieu of collecting tax on their sales of taxable items, such as those sold in fund-raising projects; (5) provide guidelines for the taxability of admission charges; and (6) provide guidelines for the sale of school books and supplies, yearbooks and other	

publications, and food and beverages sold in the student lunchroom or dining room or sold or dispensed through vending machines or other dispensing devices.

The purpose of the proposed substantial rewording of Rule 12A-1.004, F.A.C. is to: (1) change the title to "Sales Tax Brackets" to reflect the substantial rewording of the rule text; and (2) provide the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that do not impose a discretionary sales surtax that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (3) provide for easier reading of the sales tax brackets; and (4) remove the requirement to certify forms containing the sales tax brackets.

The purpose of the proposed amendments to Rule 12A-1.007, F.A.C., Aircraft, Boats, Mobile Homes, and Motor Vehicles, is to incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The purpose of the proposed amendments to Rule 12A-1.009, F.A.C., Pest Control Services, is to: (1) provide that charges for pest control services for tangible personal property are not subject to tax; (2) provide that charges for pest control services rendered to residential facilities used as living accommodations are not subject to tax, even though the rental or lease charges to guests to use such accommodations may be subject to the taxes imposed on transient rentals; (3) remove provisions regarding the Department's presumption that pest control services rendered to public lodging establishments advertised or held out to the public as places regularly rented to transient guests are taxable as nonresidential pest control services; (4) remove all guidelines related to establishing whether the pest control services provided to such living accommodations are for nonresidential or for residential use; and (5) remove references to rules that are no longer applicable.

The purpose of the proposed amendments to Rule 12A-1.0091, F.A.C., Cleaning Services, is to provide that charges for pest control services for tangible personal property are not subject to tax.

The purpose of the proposed amendments to Rule 12A-1.010, F.A.C., Receipts from Sales by Barber Shops and Beauty Shops, is to: (1) incorporate the legislative changes to s. 212.07, F.S., which require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases; (2) clarify that when tax has been paid to a supplier on items that are resold by the

owner or operator of the shop, a credit or refund may be obtained, as provided in Rule 12A-1.014, F.A.C.; and (3) make grammatical technical changes.

The purpose of the proposed amendments to Rule 12A-1.011, F.A.C., is to: (1) change the title to "Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business" to reflect the removal of provisions for sales through vending machines; (2) remove provisions regarding sales to or sales by schools offering grades K through 12, PTAs, and PTOs that will be provided in Rule 12A-1.0011, F.A.C., as created; (3) remove the repetition of provisions regarding the sale of food and beverages by concessionaires that are provided in Rule 12A-1.080, F.A.C.; and (4) remove provisions regarding sales of food items through vending machines that are provided in s. 212.0515, F.S., or Rule 12A-1.044, F.A.C., as amended.

The purpose of the proposed repeal of Rule 12A-1.013, F.A.C., Credit for Taxes Paid in Error, is to consolidate into Rule 12A-1.014, F.A.C., guidelines for when dealers are allowed to apply for a refund or allowed to take a credit for tax paid on certain property and for sales tax erroneously paid.

The purpose of the proposed amendments to Rule 12A-1.014, F.A.C., is to: (1) change the title to "Refunds and Credits for Sales Tax Erroneously Paid"; and (2) incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The purpose of the proposed amendments to Rule 12A-1.018, F.A.C., Trade and Cash Discounts, is to clarify in an example that the value of the coupon reduces the sales price of the item sold; however, the amount of tax due in that example remains unchanged.

The purpose of the proposed amendments to Rule 12A-1.037, F.A.C., Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services, is to: (1) remove a reference to Rule 12A-1.038, F.A.C., that is no longer applicable; (2) remove provisions regarding sales to or sales by schools offering grades K through 12, PTAs, and PTOs that will be provided in the newly created Rule 12A-1.0011, F.A.C.; (3) remove provisions regarding sales made by qualified exempt organizations that are no longer necessary under the provisions of s. 212.08(7), F.S., as revised under s. 1, Chapter 2000-388, L.O.F.; and (4) remove the requirement that a sale of property acquired by exempt organizations and institutions through donation will only qualify as an exempt occasional or isolated sale if the donor paid the applicable taxes due on the donated property. Although this requirement

is being removed, donors must continue to pay any applicable tax on property donated under the provisions of Rule 12A-1.077, F.A.C.

The purpose of the proposed amendments to Rule 12A-1.041, F.A.C., Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records, is to remove provisions regarding sales to, or sales by, schools offering grades K through 12, PTAs, and PTOs that will be provided in the newly created Rule 12A-1.0011, F.A.C.

The purpose of the proposed amendments to Rule 12A-1.044, F.A.C., Vending Machines, is to: (1) incorporate the statutory requirements in s. 212.0515, F.S. (as amended by s. 2, Ch. 98-141, s.7, Ch. 98-342, and s. 1, Ch. 99-366, L.O.F.), for sales made through vending machines; (2) remove the statutory recitation of the terms “vending machine” and “vending machine operator,” as mandated by s. 120.74(1), F.S.; (3) consolidate the exemptions provided for certain items sold through vending machines into one subsection of this rule; (4) remove the recitation of the tax reporting divisors for sales made through vending machines that are provided in s. 212.0515(2), F.S.; (5) remove provisions for filing quarterly information reports (forms DR-15V, DR-15VOC, and DR-15VW) and the posting of notices that are no longer required or imposed under the provisions of s. 212.0515, F.S.; (6) remove the recitation of s. 212.0515(4), F.S., which imposes penalty and interest for failure to display the notice required in that subsection; (7) provide clarifying language regarding the registration requirements imposed on owners or operators of vending machines; and (8) provide that dealers are required to issue a copy of their Annual Resale Certificate to make tax exempt purchases for the purposes of resale.

The purpose of the proposed amendment to Rule 12A-1.048, F.A.C., is to: (1) change the title to “Sale of Agricultural Products,” to reflect the proposed changes; (2) remove gender references; (3) reorganize the rule text to provide easier reading and clarity; (4) remove provisions regarding the sale of poultry and livestock that are provided in Rule 12A-1.049, F.A.C.; (5) clarify that sellers, including producers and other persons, who sell agricultural products that are not a marketable or finished product are not required to obtain an exemption certificate from the purchaser to make tax exempt sales of such agricultural products; (6) clarify that the sales of agricultural products as a marketable or finished product are subject to tax; (7) clarify that the sale of ornamental nursery stock, regardless of the state of growth or maturity, is subject to tax; (8) provide that the sales of certain items for agricultural use, as provided in s. 212.08(5), F.S., are exempt when the purchaser issues an exemption certificate to the seller; (9) remove the unnecessary listing of those items that are listed in the suggested exemption certificate provided in Rule 12A-1.087, F.A.C., as amended; and (10) provide that dealers

who purchase ornamental nursery stock for resale must be registered as a dealer and extend a copy of their Annual Resale Certificate to make tax exempt purchases.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C., Tax Due at Time of Sale; Tax Returns and Regulations, is to: (1) incorporate the provisions of ss. 1 and 2, Chapter 2000-345, L.O.F. (amends ss. 212.031(1)(a)12. and (3), F.S.; creates s. 212.04(3), F.S.), which provide that tax collected on certain admission charges and real property rentals is not due to the state on the first day of the month following the date of the transaction; (2) remove the unnecessary provision regarding the Department’s authority to deny the collection allowance when an incomplete return is filed that is clearly provided in s. 212.11(1)(a) and (b)1., F.S.; (3) provide guidelines that incorporate the provisions of s. 16, Chapter 2000-355, L.O.F. (amends s. 212.11(2)(c), F.S.), authorizing the Department to allow a taxpayer to continue on the same filing frequency when the increased payment would not permit the taxpayer to continue to file on the same frequency schedule; and (4) remove provisions for the payment of estimated tax on the waste newsprint disposal fee that is no longer imposed.

The purpose of the proposed amendments to Rule 12A-1.0565, F.A.C., Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements, is to remove the incorporation by reference of form DR-654 (EDI Waiver Request) which does not meet the definition of a rule, as defined by s. 120.52(15), F.S., and is not required to be adopted by reference.

The purpose of the proposed repeal of Rule 12A-1.058, F.A.C., Trade Stamps, is to remove from the administrative code an unnecessary rule regarding the sale of trade stamps.

The purpose of the proposed amendments to Rule 12A-1.060, F.A.C., Registration, is to: (1) incorporate the provisions of s. 1, Chapter 2000-206, L.O.F., which repealed s. 212.18(5), F.S., which required certain taxpayers to pay an annual registration fee; (2) provide technical changes to properly advise the titles of forms and how forms may be obtained from the Department and properly reference Rule 12A-1.039, F.A.C.; (3) remove the unnecessary incorporation by reference of forms that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; and (4) remove unnecessary provisions regarding the requirement of bonds that are clearly provided in the statutes.

The purpose of the proposed amendments to Rule 12A-1.064, F.A.C., is to: (1) remove the unnecessary listing of an exemption for nets and parts thereof that is listed in the suggested exemption certificate provided in Rule 12A-1.087, F.A.C., as amended; and (2) remove provisions regarding the charge for printing catalogs that are provided in Rule 12A-1.027, F.A.C., as amended.

The proposed repeal of Rule 12A-1.069, F.A.C., is to remove from the administrative code an unnecessary rule regarding sales by government entities and by exempt organizations that are clearly addressed in s. 212.08(6) and (7), F.S.

The purpose of the proposed amendments to Rule 12A-1.080, F.A.C., is to: (1) amend the title to "Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands" and provide current guidelines for sales made at concession stands; (2) provide guidelines for the payment of tax due on prizes awarded for concession games; and (3) provide the method and tax divisor rates for concessionaires to remit tax due on sales.

The purpose of the proposed amendment to Rule 12A-1.087, F.A.C., is to: (1) change the title to "Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes," to reflect the changes made to the rule; (2) incorporate the provisions of s. 1, Chapter 2000-276, L.O.F., which reduces to 2.5 percent the tax rate on certain farm equipment used in agricultural production (amends s. 212.08(5)(a), F.S.) and provides a definition of the term "agricultural production" (creates s. 212.02(34), F.S.); (3) provide that liquefied petroleum gas, diesel, and kerosene used for agricultural purposes are exempt; and (4) provide guidelines for the issuance of a certificate to purchase tax exempt items used for agricultural purposes and a suggested exemption certificate.

The purpose of the proposed amendments to Rule 12A-1.091, F.A.C., Use Tax, is to: (1) provide a definition for the term "legal holiday"; (2) remove provisions regarding the payment of use tax on promotional materials that are repetitive of those provided in Rule 12A-1.034, F.A.C.; and (3) remove technical cross references to other rule sections that no longer apply.

The purpose of the proposed amendments to Rule 12A-1.0935, F.A.C., Authority to Issue Subpoenas and Subpoenas Duces Tecum, is to: (1) remove the incorporation by reference of the Department's internal forms DR-13, DR-13A, and DR-13B which do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; (2) provide reference to the forms currently used internally in the Department's process to issue subpoenas and/or subpoena duces tecum; and (3) provide guidelines to third-party record keepers to submit a claim for reimbursement of expenses incurred.

The purpose of the proposed amendments to Rule 12A-1.0955, F.A.C., Revocation of Sales Tax Certificates of Registration, is to remove the incorporation by reference of forms previously used by the Department in the process of revoking sales tax certificates of registration that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference.

The purpose of the proposed amendments to Rule 12A-1.096, F.A.C., Industrial Machinery and Equipment for Use in a New or Expanding Business, is to incorporate the provisions of s.

54, Chapter 2000-165, L.O.F., which removed the requirement that a business entity be registered with the WAGES Program Business Registry to be eligible to receive an exemption for the purchase or lease of machinery and equipment used in a new or expanding business.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., Public Use Forms, is to: (1) incorporate and certify the changes to forms that have been amended by the Department; (2) remove forms used internally by the Department in the administration of sales tax that do not meet the definition of a rule, as defined by s. 120.52(15), F.S., and are not required to be adopted by reference; and (3) remove all obsolete forms that are no longer used by the Department.

The purpose of the proposed amendments to Rule 12A-1.105, F.A.C., Service Warranties, is to incorporate the legislative changes to s. 212.07, F.S., that require dealers who purchase items for the purposes of resale to extend a copy of their Annual Resale Certificate to make tax exempt purchases.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for public comment regarding these proposed amendments to Rule Chapter 12A-1, Sales and Use Tax.

SPECIFIC AUTHORITY: 72.011, 212.05(1), 212.0515, 212.08(5)(b)4., 212.12(11), 212.17(6), 212.18(2), 213.06(1), 213.21, 213.255(11) FS.

LAW IMPLEMENTED: 72.011, 92.525, 95.091, 119.07(1), 119.085, 120.57(1),(2), 120.60(5), 120.80(14), 125.0104(3)(g), 125.0108(2)(a), 212.02(1),(2),(4),(7),(9),(10),(12),(14),(15), (16),(19)-(22),(24),(29)-(34), 212.03, 212.0305(3)(c),(h), 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.052, 212.054, 212.055, 212.0596, 212.0598, 212.06, 212.0601, 212.0606, 212.07(1),(2),(5),(6),(7),(8), 212.08(1), (3)-(11), 212.0805, 212.0821, 212.085, 212.096, 212.11, 212.12(1)-(9),(11),(12), 212.13(1),(2), 212.14(2),(5),(7), 212.15(1),(2), 212.16(1),(2), 212.17(1),(6), 212.18(2),(3), 212.183, 212.21(2),(3), 213.12(2), 213.06(1), 213.20, 213.235, 213.255, 213.35, 213.37, 213.755, 213.756, 215.01, 215.26(2), 366.051, 376.11, 403.715, 403.718, 403.7185, 634.011, 634.131, 634.401, 634.415 FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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 at (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 RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

Rulemaking power; rules promulgated by the Department of Revenue cannot be construed to extend exemptions beyond the scope of those intended by the statutes.

(1) ~~ADMISSIONS.~~ See Rule 12A 1.005.

(2) ~~BIBLES.~~

(a) ~~Bibles, hymn books, prayer books and religious publications similar thereto, altar paraphernalia, sacramental chalices, and like church service and ceremonial raiment and equipment are exempt. (See Rule 12A 1.008(11), F.S., for sale or purchase of religious publications.)~~

(b) ~~Christian Science reading rooms are allowed to sell Bible and religious publications and literature tax exempt.~~

(c) ~~A book of sermons does not fall within the specific exemptions provided under Rule 12A 1.001 and the sale thereof is taxable.~~

~~(1)(3) No change.~~

(4) ~~DRUGS.~~ Drugs and medicines are exempt. Certain disability appliances are also exempt. (See Rules 12A 1.020, 12A 1.021).

(5) ~~FERTILIZERS, INSECTICIDES, FUNGICIDES.~~

(a) ~~Fertilizers (including peat, topsoil, and manure, but not fill dirt), insecticides, pesticides, fungicides, herbicides and weed killers used for application on or in the cultivation of crops, groves and home vegetable gardens or by commercial nurserymen are exempt. These exemptions shall not be allowed unless the purchaser furnishes the seller a certificate stating that the item to be exempted is to be used exclusively for one of the foregoing purposes on a farm. When these items are used on lawns, golf courses, shrubbery, ornamentals, flower gardens, or for any purpose other than one of those specifically named herein as exempt, they are taxable. The sale of fill dirt is taxable.~~

(b) ~~Insecticides, pesticides and fungicides, including disinfectants used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on livestock, are exempt.~~

(c) ~~Sales of the items referred to in paragraph (a) above to commercial farm or grove caretakers, or to cooperatives or to anyone else for use on farms are exempt. (See Rule 12A 1.039, F.A.C.)~~

(6) ~~FISHERIES.~~

(a) ~~Nets and materials, parts and labor used in the repair thereof, are exempt when used exclusively by commercial fishermen. (Sponge fishermen qualify as commercial fishermen). To purchase such nets tax exempt, a certificate in substantial conformity with the certificate suggested in Rule 12A 1.039 must be executed.~~

(b) ~~The sale of fuels, vessels, and equipment, including but not limited to, materials, parts and labor used in the repair and maintenance of such ships and equipment, are taxable to the extent provided in Section 212.08(4) and (8), F.S. Items such as cleaning materials, lubricating oils and greases, ice, fish bait, charts, foul weather gear, gloves, boots, rain clothing, rope, fishing tackle, and logs are taxable to the extent provided in Rule 12A 1.064, F.A.C., when purchased by commercial fisheries and commercial fishermen to fulfill the purpose for which the vessel is designed. Bait purchased by commercial fishermen which is used solely for the entrapment of stone crabs and blue crabs is specifically exempt.~~

(c) ~~Charter boats, party boats, pleasure fishing boats, and equipment, materials, parts and labor used in the repair and maintenance of such boats and equipment are taxable.~~

(d) ~~Lumber, rope and plastic floats used in the construction of crawfish traps are taxable.~~

(e) ~~The breeding and raising of fish constitutes an agricultural project. Equipment and supplies used for such purposes are subject to tax in the same manner as any other agricultural activity. (See Rule 12A 1.087.)~~

(7) ~~FUELS.~~ Fuels used by public or private unities, including municipal corporations and rural cooperative associations, in generating electric power or energy for sale to the general public are exempt from all taxes imposed under Chapter 212, F.S. (For other exempt and taxable fuels, see Rule 12A 1.059.)

(8) ~~GASES.~~ Gases used for medical or therapeutic purposes are exempt. For taxable gases, see Rule 12A 1.015.

~~(2)(9) No change.~~

(10) ~~GROCERIES.~~ See Rule 12A 1.011, F.A.C.

(11) ~~HOSPITALS.~~ Room charges and meals furnished to patients or inmates as a part of the room charges are exempt, as are rooms and meals furnished employees under their employment contract. This rule also applies to institutions designed and operated primarily for the care of persons who are ill, aged infirm, mentally or physically incapacitated, or for any reason dependent upon special care or attention.

~~(3)(12) RADIO AND TELEVISION STATIONS.~~

(a) through (c) No change.

(d) The sale of an advertising slide for use in a television broadcast and the art work pertaining to its production are taxable.

(13) SAFETY DEPOSIT BOXES. The rental of safety deposit boxes is exempt.

(14) SCHOOLS AND SCHOOLBOOKS.

(a) The sale of schoolbooks, including printed textbooks and workbooks, containing printed instructional material, and questions and answers for school purposes used in regularly prescribed courses of study in public, parochial, or nonprofit private schools grades K through 12 are exempt. Schools as used herein shall mean tax supported or parochial, church, and nonprofit private schools conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, State Department of Education, the Florida Council of Independent Schools, or Florida Association of Christian Colleges and Schools, Inc. Yearbooks, magazines, directories, bulletins, papers, and similar publications distributed by educational institutions to the students are classified as schoolbooks and are treated in the same manner as other schoolbooks. Sales of all such items by junior colleges and institutions of higher learning, as well as by newsstands, and sales to the general public are taxable. Sales of school materials and supplies are taxable regardless of by whom sold; however, for the sake of convenience, schools grades K through 12 and their respective P.T.A.'s or P.T.O.'s have been granted the privilege of paying tax to their suppliers on school materials and supplies that they purchase for resale to students and the tax is passed on to the student as part of the selling price. All others making sales of school supplies and materials are required to register as dealers and collect the tax thereon from the purchaser.

(b) The sale of photographs by photographers for use in students' yearbooks is taxable if the purchase and payment are made by the student. They are exempt only if payment is made from school funds.

(c) Band uniforms, athletic uniforms and equipment, caps and gowns, and other items of clothing bought and paid for by a school with ownership and title remaining in the school are exempt.

(d)1. Tangible personal property sold outright or rented through the school to students is taxable based on delivered cost to the school or on the amount charged the student upon sale or rental. Student photographs, candies, confections, and novelties sold to students or the public for fund raising purposes come within this rule.

2. Food and beverages sold through vending machines located in the student lunchrooms or dining rooms of schools grades K through 12 are exempt. Sales of food and beverages through vending machines that are located elsewhere on the school's premises, other than the student lunchroom or dining room, are taxable. Schools grades K through 12 and their respective P.T.A.'s or P.T.O.'s which operate food and

beverage vending machines selling taxable items may pay the tax to their suppliers on the vended items or remit the tax to the Department on the total receipts from each machine. See Rule 12A-1.044, F.A.C.

(e) The same tax regulations which apply to schools also apply to parent teacher associations. Parent teacher associations may qualify for exemption as educational institutions and may make tax exempt purchases of items used in their customary activities or items donated by the associations to the schools. Parent teacher associations holding fund raising events such as spring festivals, fun houses, and games where prizes are given away shall pay the tax on all materials used, including the prizes awarded.

(15) SEEDS. Field and garden seeds sold for the purpose of growing vegetables and fruit for human consumption are exempt. Flower seeds are taxable except when sold to commercial nurserymen or by the producer as an agricultural product.

(4)(16) SERVICE TRANSACTIONS.

(a) Professional, insurance or personal service transactions which involve sales as inconsequential elements for which no separate charges are made are exempt.

(b) The exemption described in paragraph (a) does not apply to personal service transactions which involve sales of tangible personal property, whether or not as inconsequential elements, when the service provided is an information service involving the furnishing of printed, mimeographed, multigraphed matter, microfiche, microfilm, or matter duplicating written or printed matter. The furnishing of information, including a written report to a person of a personal or individual nature and which is not or may not be substantially incorporated in reports furnished to other persons, is not an information service within the meaning of the law and is exempt. In such cases the person furnishing the information is required to pay the tax on the purchases of tangible personal property used by him in connection therewith. (See Rule 12A-1.062, F.A.C.)

(c) through (e) renumbered (a) through (c) No change.

(f) The exemption described in paragraph (a) does not apply to services that are taxable under s. 212.05(1)(k), F.S., as detective, burglar protection, and other protection services enumerated in Industry Numbers 7381 and 7382 of the Standard Industrial Classification Manual, 1987, and nonresidential cleaning and nonresidential pest control services described in Industry Group Number 734 of that Manual. See Rule 12A-1.0161, F.A.C.

(g) The exemption described in paragraph (a) does not apply to any service warranty transaction taxable under s. 212.0506, F.S. See Rule 12A-1.105, F.A.C.

~~(h) The exemption described in paragraph (a) does not apply to the sale of electrical power or energy, telephone, telegraph, or other telecommunication services, or television system program services taxable under s. 212.05(1)(c), F.S. See Rules 12A-1.046 and 12A-1.053, F.A.C.~~

~~(5)(17) GUIDE DOGS FOR THE BLIND.~~

~~(a) A blind person who holds a Consumer's Certificate of Exemption for the Blind (form Form DR-152, incorporated by reference in Rule 12A-1.097, F.A.C.) issued by the Department Executive Director or the Executive Director's designee in the responsible program may purchase or rent a guide dog and purchase food or other items for the guide dog without payment of the tax at the time of purchase. The holder of the certificate is required to provide the certificate to the selling dealer at the time of purchase or lease. The selling exemption shall not be allowed unless the blind purchaser or lessee shall produce at the time of purchase or lease the Consumer's Certificate of Exemption for the Blind (Form DR-152) and the dealer is required to shall record the name, address, and identification card number of the certificate holder purchaser or lessee on the invoice or other written evidence of the sale. The Executive Director or the Executive Director's designee in the responsible program will issue, without charge, the Consumer's Certificate of Exemption for the Blind (Form DR-152) to any blind person who either owns, rents, or contemplates the ownership of a guide dog for the blind and who holds an identification card as provided in Section 413.091, Florida Statutes and completes a Blind Person's Application for Certificate of Exemption (Form DR-151, incorporated by reference in Rule 12A-1.097, F.A.C.).~~

~~(b) Any person who holds an identification card, as provided in s. 413.091, F.S., issued by the Department of Education may apply to the Department to obtain a Consumer's Certificate of Exemption for the Blind (form DR-152). The application submitted to the Department must be signed by the applicant and contain the applicant's name, address, and number of the identification card issued pursuant to s. 413.091, F.S. This information may be submitted to the Department on form DR-151, Blind Person's Application for Certificate of Exemption.~~

~~(6)(18) No change.~~

~~(19) ARTIFICIAL COMMEMORATIVE FLOWERS.~~

~~The sale of artificial commemorative flowers by a bona fide nationally chartered veterans' organization is exempt.~~

~~(20) through (21) renumbered (7) through (8) No change.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92-525, 212.02(10),(12),(16),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd),(kk),(mm),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History—Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00,_____.

12A-1.0011 Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations.

(1)(a) For purposes of this rule, "schools offering grades K through 12" means state tax-supported, or parochial, church, and nonprofit private schools operated for and attended by pupils of grades K through 12.

(b) For purposes of this rule, "Parent-Teacher Organizations (PTOs)" and "Parent-Teacher Associations (PTAs)" mean those nonprofit organizations associated with schools whose purpose is to raise funds for schools teaching grades K through 12.

(2) PURCHASES BY SCHOOL DISTRICTS.

(a) School districts may purchase taxable goods and services necessary for parent-teacher associations or parent-teacher organizations tax exempt, as provided in s. 212.0821, F.S.

(b) The purchases made by the school district must be made with funds provided by the parent-teacher association or parent-teacher organization to the school district. The school district may extend a copy of its Consumer's Certificate of Exemption to the selling dealer at the time of the purchase to make such tax exempt purchases.

(3) SALES OF SCHOOL MATERIALS AND SUPPLIES AND FUND-RAISING ITEMS.

(a) The sale of school books used in regularly prescribed courses of study in schools offering grades K through 12 is exempt. School books include printed textbooks and workbooks containing printed instructional material, such as questions and answers, that are used in regularly prescribed courses of study in schools offering grades K through 12.

(b) The sale of yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by schools offering grades K through 12 is exempt.

(c)1. Schools offering grades K through 12 and parent-teacher associations or parent-teacher organizations whose primary purpose is to raise funds for such schools may pay tax to their suppliers on the cost price of items in lieu of registering as a dealer, obtaining a Consumer's Certificate of Exemption, or collecting tax on their sales of the following taxable items:

a. school materials and supplies purchased, rented, or leased for resale or rental to students attending grades K through 12;

b. items sold for fund raising purposes, such as candy, photographs, greeting cards, wrapping paper, and similar fund raising items;

c. items sold through vending machines located on the school premises;

d. food and beverages sold through vending machines located on school premises in locations other than the student lunchroom, student dining room, or other area specifically designated for student dining. See subsection (4).

2. Example: A parent-teacher association operates a book store selling school supplies, such as pencils, paper, and notebooks, to elementary school students. The parent-teacher association is not registered as a dealer. The parent-teacher association must pay tax to its suppliers on items sold to students in the book store, but is not required to collect sales tax from the students purchasing items from the book store.

(d)1. Schools offering grades K through 12, parent-teacher associations, and parent-teacher organizations that do not elect to pay tax to their suppliers on the purchase of items, as provided in paragraph (c), must register in the same manner as other dealers and collect and remit tax on taxable transactions. (See Rule 12A-1.060, F.A.C.) As registered dealers, schools offering grades K through 12, parent-teacher associations, and parent-teacher organizations may issue a copy of their Annual Resale Certificate (form DR-13) in lieu of paying tax on the purchased items for the purposes of resale.

2. Example: A parent-teacher organization holds a fund raising event to purchase additional computers for the school library. The students and faculty will obtain orders for a variety of gift items that will be purchased from a company engaged in the business of assisting schools with fund raising events. The parent-teacher organization collects the orders, determines the gift items that have been ordered in total, and places its order with the company. Payment to the company is made directly by the parent-teacher organization. If the parent-teacher organization does not pay sales tax to the company for its purchases of gift items, the parent-teacher organization must register as a dealer and collect and remit sales tax on its sales of the gift items. The parent-teacher organization may extend a copy of its Annual Resale Certificate to purchase the gift items tax exempt for the purposes of resale.

(4) SALES OF FOOD AND BEVERAGES.

(a) Food and beverages sold or served in the student lunchroom, student dining room, or other area designated for student dining in schools offering grades K through 12, as part of a school lunch to students, teachers, school employees, or school guests are exempt.

(b) Food and beverages sold or dispensed through vending machines or other dispensing devices located in the student lunchroom, student dining room, or other area designated for student dining in schools offering grades K through 12 are exempt.

(c) Food and beverages sold through vending machines or other dispensing devices located in a gymnasium, shop, teachers' lounge, corridor, or other area accessible to the general public and not specifically designated for student dining are subject to tax at the rates established in s. 212.0515(2), F.S.

(5) ADMISSION CHARGES.

(a) When only student or faculty talent is used in an athletic or other event sponsored by a school, admission charges are exempt.

(b) When a student is required to participate in a sport or recreation pursuant to a program or activity sponsored by, and under the jurisdiction of, the student's school, admission charges for participation imposed by the place of sport or recreation are exempt. The student's school will issue a certificate for the student to present to the organization charging the admission. If the student attends such place as a spectator, admission charges are taxable.

(c) When a state tax-supported school or other governmental entity sponsors, administers, plans, supervises, directs, and controls an athletic or recreational program, participation or sponsorship fees are exempt. The athletic or recreational program may be run in conjunction with a not-for-profit entity under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(d) When state tax-supported schools sponsor an athletic or other event and the talent to provide the event is not limited to students or faculty, admission charges to the event are exempt when:

1. the risk of success or failure for the event lies completely with the school sponsoring the event;

2. the funds at risk for the event must belong completely to the school sponsoring the event; and

3. the event is held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility.

(e) Admission charges, dues, and membership fees to an event or program sponsored by a school, parent-teacher association, or parent-teacher organization that qualifies as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, are exempt. A school, parent-teacher association, or parent-teacher organization will be considered as a sponsor of the event or program when it:

1. actively participates in planning and conducting the event or program;

2. assumes complete responsibility for the safety and success of the event or program, such that it will be subject to a suit for damages for alleged negligence in its conduct;

3. is entitled to all the gross proceeds from the event or program and to all the net proceeds after payment of its costs; and

4. is responsible for payments of all costs of the event or program and for bearing any net loss if the costs exceed gross proceeds.

Specific Authority 212.17(6), 212.18(3), 213.06(1) FS. Law Implemented 212.04(2)(a), 212.08(7)(o),(r),(nn), 212.0821 FS. History--New _____.

(Substantial Rewording of Rule 12A-1.004 follows. See Florida Administrative Code for present text.)

12A-1.004 Sales Tax Brackets Involving Less Than One Dollar.

(1) The following effective tax brackets are applicable to all transactions taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 6% is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .16</u>	<u>.01</u>	<u>.51 – .66</u>	<u>.04</u>
<u>.17 – .33</u>	<u>.02</u>	<u>.67 – .83</u>	<u>.05</u>
<u>.34 – .50</u>	<u>.03</u>	<u>.84 – 1.09</u>	<u>.06</u>

(2) The following effective tax brackets are applicable to the transactions pursuant to s. 212.05(1)(e), F.S., that are taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 7% is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .14</u>	<u>.01</u>	<u>.58 – .71</u>	<u>.05</u>
<u>.15 – .28</u>	<u>.02</u>	<u>.72 – .85</u>	<u>.06</u>
<u>.29 – .42</u>	<u>.03</u>	<u>.86 – 1.09</u>	<u>.07</u>
<u>.43 – .57</u>	<u>.04</u>		

(3) The following effective tax brackets are applicable to the sale, rental, lease, use, consumption, or storage for use in this state of self-propelled, power-drawn, or power-driven farm equipment taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$2.09, 5¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .40</u>	<u>.01</u>
<u>.41 – .80</u>	<u>.02</u>
<u>.81 – 1.20</u>	<u>.03</u>
<u>1.21 – 1.60</u>	<u>.04</u>
<u>1.61 – 2.09</u>	<u>.05</u>

(4)(a) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties that do not impose a discretionary sales surtax and for counties that impose a discretionary sales surtax. Copies are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department’s Internet site at

<http://sun6.dms.state.fl.us/dor/taxes>. Persons with hearing or speech impairments may call the Department’s TDD at 1-800-367-8331.

(b) For information regarding sales tax brackets effective for transactions in counties imposing discretionary sales surtaxes, see Rule 12A-15.002, F.A.C.

Specific Authority 212.05(1)(j), 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(3),(6), 212.031(1)(c),(d), 212.04(1), 212.05(1), 212.08(3), 212.12(9),(11) FS. History—Revised 10-7-68, 6-16-72, Amended 9-24-81, 7-20-82, Formerly 12A-1.04, Amended 12-13-88, 8-10-92, 3-17-93, 12-13-94.

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1) through (23) No change.

(24) Lemon Law.

(a) The following provisions shall apply when a manufacturer, pursuant to the provisions of s. 681.104, F.S., replaces or repurchases a motor vehicle:

1. No change.

2.a. When the manufacturer repurchases the motor vehicle, the Department of Revenue shall refund to the manufacturer any Florida sales tax that which the manufacturer refunded to the consumer, lienholder, or lessor under the provisions of s. 681.104, F.S. To receive the refund—the manufacturer must file, within 3 years from the date of payment of the tax, an Application for Refund from the State of Florida (Form DR-26), incorporated by reference in Rule 12-26.008, F.A.C.) must be filed by the manufacturer within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. Applications for Refund (Form DR-26) are available by: 1) writing Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850 922 2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax On Demand system at 850 922 3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800 352 3671 (in Florida only) or 850 488 6800; or, 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses — (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department’s TDD at 1-800-367-8331. ~~The~~ In addition to the application for refund, the manufacturer must also shall submit, to the Department of Revenue, in conjunction with its application for refund, the following documentation: 1) a copy of the written agreement signed by the consumer, lienholder, or lessor under which the manufacturer refunded the Florida sales tax to the consumer, lienholder, or lessor; 2) a copy of the original sales invoice made out by the seller which affirmatively demonstrates payment of Florida sales tax on the purchase of the motor vehicle for which the refund is being sought; and 3) written documentation that the manufacturer

refunded the Florida sales tax to the consumer, lienholder, or lessor. An application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved before the manufacturer provides such documentation.

- b. No change.
- (b) No change.
- (25) through (29) No change.

Specific Authority 212.05(1),(5)(b); 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t),(aa),(ee),(ff),(10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00.

12A-1.009 Receipts from Services Rendered by Insect or Pest Exterminators.

(1)(a) Nonresidential ~~On or after September 1, 1992, nonresidential~~ pest control services are subject to tax. Nonresidential pest control services are those services (not involving repair) rendered to minimize or eliminate any infestation of nonresidential buildings by vermin, insects, and other pests that do not include services provided for tangible personal property, and include such, but are not limited to, the following services as which are subject to the State's sales and use tax:

- 1. Bird proofing;
- 2. Exterminating services;
- 3. Fumigating services;
- 4. Pest control in structures; and
- 5. Termite control.

(b) ~~Residential pest~~ Pest control services rendered to residential buildings are not taxable. Charges for pest control services provided at residential facilities For the purpose of this rule, residential buildings are buildings that are used as living accommodations homes or regular places of abode for persons, (such as detached or single family dwellings, apartments, duplexes, triplexes, quadraplexes, residential condominiums, residential cooperatives, residential time-share units, beach cottages, nursing homes, and mobile home parks, and the common areas of those residential facilities, are not subject to tax. Residential facilities include multiple unit structures where each unit or accommodation is intended for use as a private temporary or permanent residence, but do not include a facility that is intended for commercial or industrial purposes. Charges for pest control services provided at residential facilities that provide temporary or permanent residences are not subject to tax, even though the rental, lease, letting, or licensing of such living accommodations may be subject to the tax imposed under s. 212.03, F.S. apartments, duplexes, triplexes, condominiums, or cooperatives, or other similar facilities) which do not regularly cater to the traveling public. Public lodging establishments, as defined in s. 509.013, F.S., or

~~portions thereof, and any other facilities or portions of facilities, which are advertised or generally held out to the public as places regularly rented to transients are presumed to be nonresidential buildings. Pest control services rendered to such nonresidential facilities are taxable. Sufficient documentation must be provided to substantiate whether the pest control service is provided to a residential or nonresidential building. See subsection (10) below for documentation requirements.~~

2. ~~When a pest control service provider is contracted by a real estate agent, management company, or similar business to provide pest control services to a building or units within a building, and the service provider cannot determine whether the building or units are advertised or generally held out to the public as a place regularly rented to transients, the charges for such services are fully taxable, unless the real estate agency, management company, or similar business furnishes the service provider a written statement that the entire building or specific units within the building are residential. See subsection (10) below for specific allocation methods. Any pest control service provider who receives from the purchaser a written statement showing the percentage or portion, if any, of the property which is nonresidential, and who collects tax according to such statement, shall be entitled to rely upon the allocation provided in writing by the purchaser of the pest control service, unless the pest control service provider has reason to believe that such written statement is fraudulent.~~

a. ~~Example: An apartment complex has 200 units of which 50 units operate under a collective license as a public lodging establishment and are advertised as available for rent on a daily or weekly basis. With proper documentation, only the 50 units are considered nonresidential and the pest control services for such units are taxable.~~

b. ~~Example: Pest control services are rendered to a 500 unit condominium complex. The pest control services are contracted through the residing manager for the complex. The service provider cannot determine which units are residential and which units are nonresidential. The total charges for pest control services are taxable, unless the residing manager or owner(s) of the unit(s) furnishes the service provider a written statement identifying which unit(s) are residential.~~

(c) ~~The services described in this rule are not taxable when provided by employees to their employers. See Rule 12A-1.0161, F.A.C.~~

(2) ~~Where a person is providing pest control services to a nonresidential building and is required to spray in and around the building, the total charge is taxable.~~

(3) through (7) renumbered (2) through (6) No change.

(7)(8) ~~Pest control services provided to farmers for agricultural purposes are not taxable. See Rules 12A-1.001(5) and 12A-1.087, F.A.C.~~

~~(8)(9)~~ Aircraft, boats, motor vehicles and other vehicles, except mobile homes, are not considered to be nonresidential buildings. Therefore, the charge for pest control services provided to such vehicles items is not taxable.

~~(10)(a)1.~~ Any person providing pest control services is required to document by notations on the sales invoice the name of the purchaser, the date of the service, the type of service, the price of the service, whether the service is for a residential or nonresidential building, if the building is used for both residential and nonresidential purposes, and the price of the service for each purpose.

~~2.~~ Any pest control service provider who fails to provide the notations described in subparagraph 1. above and who neglects, fails, or refuses to collect the tax herein provided upon any sales of pest control services which are subject to the tax, shall be liable for and pay the tax himself.

~~(b)1.~~ If a building is used for both residential and nonresidential purposes and the proportional mixed use is not subject to change, when the charges for residential and nonresidential pest control services are separately described and itemized, the total charge shall be allocated based on the square footage serviced for each exclusive purpose. Common areas such as lounges, day rooms, and hallways shall be allocated on the same proportion as the exclusively residential and nonresidential areas. However, an alternate method may be allowed if the service provider documents the basis and rationale for the alternate method.

~~2.~~ Example: A condominium complex has 600 units of which 200 units are used as a permanent residence by their owners. A pest control company charges the condominium complex for the treatment of all units in the complex, including the 200 owner occupied units and the common area facilities such as the complex club house. Since all living units in the complex are approximately equal in square footage area, one third (200 permanent residential units divided by 600 total units) of the total charge made by the pest control company may be made tax exempt, provided the pest control company makes a separate line item charge for the residential units and obtains the necessary certification by the residing manager or owners of the residential units.

~~(c)1.~~ If a building is used for both residential and nonresidential purposes and the proportional mixed use is subject to frequent or periodic change, such as time share resorts and other facilities or portions of facilities which are advertised or generally held out to the public as regularly rented to transients, the tax on pest control services shall be allocated to the total percentage of time which was made available for rent to the general public during the prior calendar quarter. Such time allocation shall be made on the basis of the smallest time unit denominator available for rent. So called "weekend" rentals shall be computed on and use days as the denominator. The entity managing the time share resort pursuant to s. 721.13, F.S., or other managing entity shall

~~prepare and present to any pest control service provider, a written statement specifying the percentage of time made available for rent to transient guests during the preceding quarter as the basis for the amount of pest control services subject to tax.~~

~~2. Example:~~ A fee time share resort consists of 100 time share units for which 5,100 time share occupancy periods would typically be sold, i.e., 51 weeks per year per time share unit. In a calendar quarter, 1,275 time share weeks (5,100 divided by 4) would be available for use by the time share unit purchasers or the developer. During the last calendar quarter, 300 time share weeks were available for sale or rent by the developer and 125 time share purchasers requested that the managing entity make their time share weeks available for rent to the traveling public. These time share occupancy weeks owned by time share purchasers and by the developer which were available for rent to the traveling public are considered nonresidential and the pest control services sold for such units are taxable. One third (425 total weeks available for rent divided by 1,275 weeks in the quarter) of the charges for pest control services will be subject to sales tax.

~~3. Example:~~ The owner of a beach cottage has an agreement with a local realtor whereby the realtor may rent the cottage to the traveling public for any length of time except for specific days or weekends reserved for use by the owner of the cottage. During the last calendar quarter, the owner of the cottage reserved the property for a total of 18 days while the remaining days were either rented or made available to the traveling public. Only 20 percent (18 owner reserved days divided by 90 days in the quarter) of the charges for pest control services will be exempt from sales tax.

~~(d)~~ If the charges for residential and nonresidential pest control services are not separately described and itemized, then the entire transaction is taxable.

~~(9)(11)~~ No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j)(k), 212.07(2) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96, 4-2-00,_____.

12A-1.0091 Cleaning Services.

(1)(a) Nonresidential cleaning service are subject to tax. Nonresidential cleaning services are those services (not involving repair) rendered to maintain the clean and sanitary appearance and operating condition of a nonresidential building, but do not include cleaning services provided for tangible personal property. Examples of and include such services are as:

1. through 18. No change.

(b) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.07(2) FS. History-New 5-13-93, Amended 3-20-96, 7-1-99, 4-2-00,_____.

12A-1.010 Receipts from Sales by Barber Shops and Beauty Shops.

(1) through (2) No change.

~~(3)(a) As a registered dealer, the owner or operator of the barber or beauty shop may provide a copy of the dealer's Annual Resale Certificate to purchase products and other items for resale in lieu of paying tax to the selling dealer. The operator or owner is required to pay use tax on any products or other items that are used or consumed in providing services. A resale certificate as provided in Rules 12A-1.038 and 12A-1.039, F.A.C., may be presented to the supplier in lieu of paying tax on products purchased for resale.~~

~~(a) If the barber or beauty shop owner or operator gives a resale certificate and thereafter consumes some of the materials and supplies purchased in performance of his services, use tax must be paid on the cost price of these materials and remitted on the sales and use tax return in addition to the sales tax due on any retail sales made by the business.~~

~~(b) An owner or operator of a barber or beauty shop who has paid tax on the purchase of materials and supplies may take a credit, or obtain a refund, as provided in Rule 12A-1.014, F.A.C., for the amount of tax paid on materials and supplies that are resold. The owner or operator must collect tax on the sale of the materials and supplies. If the barber or beauty shop owner or operator purchases materials and supplies without a resale certificate and subsequently sells some of them at retail or uses or consumes the items during the performance of services rendered, he must collect the tax on the sale of such items and report and pay same to the Department of Revenue. In such cases the owner may take a credit on the sales and use tax return for the sales tax paid to the supplier on the items sold.~~

~~(4)(a) When the owner or operator of a barber or beauty shop provides space to beauticians, manicurists, specialists of massage, pedicures, or make-overs, or any person, the amount charged by the owner or operator to such person is a rental charge or license fee to use real property and is taxable, as provided in Rule 12A-1.070, F.A.C.~~

~~(b) When the owner or operator of the business is also a lessee or licensee, a credit may be taken on the owner's or operator's sales and use tax return for the amount of tax paid on the floor space that is subleased or assigned which he subleases or assigns on a pro rata basis, as provided in Rule 12A-1.070, F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g),(14),(15),(16),(19),(20), 212.031, 212.05(1), ~~212.054, 212.055, 212.07(1),(2), 212.08(7)(v), 212.11(1), 212.12(2),(3),(4),(9), 212.18(2),(3) FS.~~ History—Revised 10-7-68, 6-16-72, Formerly 12A-1.10, Amended 12-16-91, 3-20-96,_____.

12A-1.011 Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants, ~~Vending Machines~~ or Other Like Places of Business.

(1)(a) No change.

1.a. No change.

~~b. School organizations which sell candy to raise money for their various activities may pay tax to their suppliers on the cost of the candy.~~

2. through (3) No change.

~~(4)(a) When surveys of the operations of concession stands selling food, drinks, tobacco products, etc., at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business reveal it may be impracticable to separately state Florida tax on the sales slip, invoice, or other tangible evidence of sale, the dealer shall remit tax at the rate of 6.59 percent of the total taxable sales, unless the records of the dealer clearly demonstrate without exception a lesser rate. To compute the correct amount of tax due, the dealer should divide his total receipts by 1.0659 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 6.59 percent rate recognizes the variations resulting from multiple sales transactions.~~

~~(b) Dealers operating concession stands selling food, drinks, tobacco products, etc., at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business and who separately record the sales price of the items sold and the tax thereon, must maintain accurate records of the tax so collected and the exact amount of tax must be remitted to the state.~~

(5) through (7) renumbered (4) through (6) No change.

~~(8)(a) Food and drinks sold through vending machines are taxable; however, food and drinks sold through vending machines located in dining rooms, lunchrooms, or cafeterias of elementary, junior high schools, and high schools are exempt. Food and drinks sold through vending machines located on the premises of elementary schools, junior high schools, and high schools other than in dining rooms, lunchrooms, and cafeterias, such as in shops, gyms, corridors, and teacher lounges are taxable. See Rule 12A-1.044, F.A.C., for method of remitting tax.~~

~~(b) The sale of food and drinks for human consumption sold for 25 cents or less through a coin operated vending machine sponsored by a nonprofit organization is exempt from sales tax. To receive the exemption the sponsoring organization must be qualified as a nonprofit corporation under s. 501(e)(3) or s. 501(e)(4) of the U.S. Internal Revenue Code of 1986, as amended. The name and address of the qualified sponsoring organization must be affixed to each machine used for such exempt purpose.~~

(9) through (21) renumbered (7) through (19) No change.

~~(20)(22)(a) Tax is not due on the sale of food and beverages when:~~

~~1. Served as part of a school lunch to students, teachers, school employees or school guests in public, parochial or nonprofit schools operated for and attended by pupils in grades K through 12;~~

2. through 4. renumbered (a) through (c) No change.

(23) through (25) renumbered (21) through (23) No change.

~~(26) If meals for members of school organizations are paid for out of school funds, the person paying for them may give a certificate to the person collecting for them stating that the meals are purchased from school funds for school purposes. This will relieve the seller of the responsibility of collecting sales tax on the meals.~~

(27) through (31) renumbered (24) through (28) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02, 212.07(2), 212.08(1),(4)(a)1.,(7), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92,_____.

12A-1.013 Credit for Taxes Paid in Error.

~~If a dealer pays to his supplier tax on any purchase of tangible personal property which is later resold, he may, within 36 months from the date of payment, take the amount so paid as a credit against the tax to be remitted to the Department of Revenue. If a dealer purchases tangible personal property for resale and does not pay tax thereon, but consumes the property purchased, he is required to include the cost thereof and pay tax thereon in his report to the Department of Revenue.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(a), 212.05(1),(2), 212.17(1), 215.26(2) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.13, Repealed_____.

12A-1.014 Refunds and Credits for Sales Tax Erroneously Paid on Returned Merchandise and Exempt Sales.

~~(1) All dealers must maintain records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S., and make such records available to the Department upon request.~~

~~(1)(2) When a any sale, upon which the tax has been paid to the dealer by the purchaser, is cancelled or refunds the sales, lease, or rental price of admissions, tangible personal property, transient rentals, real property, or services upon which tax has been paid by the purchaser or lessee sold is returned to the dealer and remitted by the dealer to the state, and the sale price is refunded to the purchaser, the dealer shall also refund to the purchaser the tax paid by the purchaser. If, in lieu of a refund of the sale price, the dealer credits such amount on the purchaser's account, a corresponding credit for sales tax previously paid by the customer shall be made.~~

~~(2) A dealer who has paid tax on property acquired for use may take a credit, or obtain a refund, for the amount of tax paid on the acquired property if:~~

~~(a) the dealer sells the property within 3 years from the date of payment of the tax; and~~

~~(b) the dealer did not use the property prior to the date of sale.~~

~~(3) Any dealer who makes taxable sales to nontaxable persons, or refunds taxes paid to any purchaser, or pays any tax in error for which he later claims a refund or credit shall keep internal records to support such sales.~~

~~(4)(a) When any dealer refunds the tax paid by a purchaser, the Department of Revenue will refund such tax if application therefor is made in writing within 36 months from the date of payment of the tax to the state. The application for refund must state in clear and convincing terms the grounds for refund.~~

~~(b) Any dealer who is entitled to a refund of taxes paid to the Department of Revenue may, in lieu of applying to the Department for a refund, take credit for such amount on any subsequent report filed within 36 months of the date on which the dealer remitted the tax to the state. Such credits must be supported by schedules attached to the tax report and if, in the discretion of the Department, said credit is improperly taken, it may be disallowed by the Department within thirty-six (36) months of the date on which such credit is taken by the dealer. (See subparagraphs (2) and (3) of Rule 12A-1.012 for tax credits or refunds on repossessions and tax credits on bad debts written off.)~~

~~(5) Adequate records showing the amounts of returned merchandise, cancelled sales and merchandise purchased for use or consumption and subsequently resold which form the basis for a credit or refund, must be maintained by the dealer.~~

~~(6) through (7) renumbered (3) through (4) No change.~~

~~(5)(a) Any dealer entitled to a refund of tax paid to the Department of Revenue may seek a refund by filing an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26, Application for Refund, must be filed within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S., and must meet the requirements of s. 213.255, F.S., and Rule 12-26.003, F.A.C.~~

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

~~2. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.~~

~~(b) In lieu of a refund to which the dealer is entitled, the dealer may take a credit on the dealer's sales and use tax return within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S.~~

~~(6) Any dealer who takes a credit, or applies for a refund, for tax paid to the state is required to keep and preserve all information and documentation necessary to substantiate the dealer's entitlement to a refund or credit of tax paid until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.~~

Cross Reference – Rules 12A-1.007, 12A-1.034, and 12A-1.096, F.A.C., and Rule Chapter 12-26, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), ~~213.255(11)~~ FS. Law Implemented ~~95.091, 120.55(1)(a)4, 212.095, 212.12(6), 212.13(1), 212.17(1),(2),(3),(7), 212.67, 213.255(1),(2),(3)~~ 213.35, 215.26(2) FS. History–Revised 10-7-68, Amended 1-17-71, Revised 6-17-72, Amended 10-21-75, 9-28-78, 11-15-82, 10-13-83, Formerly 12A-1.14, Amended 6-10-87, 1-2-89, 8-10-92, 3-17-93, 1-3-96, 3-20-96, _____.

12A-1.018 Trade and Cash Discounts.

(1) through (3) No change.

(4) A dealer’s discount is a reduction in selling price if taken at the moment of sale or purchase of a product as illustrated by the following examples.

(a) No change.

(b) Example B: A customer has a coupon issued by the dealer which allows \$.50 off the sale price of a box of soap powder which retails for \$1.50. The dealer collects \$1.00 from the customer along with the coupon. ~~Tax is due on \$1.00. The taxable base is \$1.00~~ since the redemption of the coupon ~~reduces by the dealer does not affect~~ the sales price of the product ~~to that amount~~.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.07(2), 212.12(9) FS. History–Revised 10-7-68, 6-16-72, Amended 6-3-80, Formerly 12A-1.18, Amended _____.

12A-1.037 Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services.

(1) through (2) No change.

(a) The isolated sales exemption does not apply to:

1. No change.

2. The distribution or sale of inventory. ~~(However, for the sale of inventory see Rule 12A-1.038, F.A.C.)~~

3. through (6) No change.

~~(7) A sale or series of sales of tangible personal property purchased or acquired by nonprofit charitable, civic, educational, neighborhood, religious (except churches or synagogues), volunteer fireman organizations, and other nonprofit organizations or institutions qualify as exempt occasional sales, provided such sales comply with the requirements set forth herein and in subsection (3), above, and provided none of the elements set forth in subsection (5), above, are present.~~

~~(a) Such organization or institution must have paid any applicable tax on that tangible personal property, or if such organization or institution acquired the tangible personal property through a gift or donation, the donor must have paid any applicable tax on the purchase of such property which was donated, unless at the time of such transfer the statute of limitations for assessment of sales and use tax on the property had expired, as provided in s. 95.091, F.S.;~~

~~(b) However, for the sake of convenience, school grades K through 12 and their respective P.T.A.'s or P.T.O.'s have been granted the option of collecting sales tax on all their taxable sales, or of paying tax to their suppliers on all school materials~~

~~and supplies, without the limitations regarding the frequency and duration of such sales that they make. When the schools and their respective P.T.A.'s or P.T.O.'s make purchases for resale to students and pay the applicable tax to their vendors, the tax is passed on to the students as part of the selling price. All other persons making sales of school supplies and materials are required to register as dealers and collect the tax thereon from the purchaser.~~

~~(7)(8) The sales of second hand goods in a second hand store (including sales made by nonprofit organizations, other than churches) are not occasional sales, because second hand stores are in the business of selling such goods, and such items were purchased or acquired for resale; therefore, such sales are taxable as retail sales made in the regular course of business, and are not occasional sales.~~

(9) through (18) renumbered (8) through (17) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(2),(10)(g),(12),(14),(16),(19), 212.04, 212.05(1)(c),(d),(f),(h),(j), 212.06(1)(a),(2),(3),(8),(10), 212.07(1), ~~212.08(6),(7)(e)~~, 212.11(2),(3), 212.12(9), 212.18(2), 212.21(2), 213.06(1), 213.35 FS. History–Revised 10-7-68, 6-16-72, Amended 10-18-78, 5-8-79, 12-23-80, 12-3-81, 7-20-82, Formerly 12A-1.37, Amended 1-2-89, 8-15-94, _____.

12A-1.041 Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Public Officials of Public Records.

(1) through (5) No change.

~~(6) The sale of photographs for use in students’ yearbooks is taxable if the purchase and payment are made by the student. They are exempt only if payment is made from school funds.~~

(7) through (9) renumbered (6) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 119.07(1), 119.085, 212.02(2),(14),(15),(16), 212.08(5),(6),(7)(e),(v) FS. History–Revised 10-7-68, Amended 12-8-68, 1-7-71, Revised 6-16-72, Amended 12-11-74, 5-27-75, Formerly 12A-1.41, Amended 7-30-91, 8-10-92, _____.

12A-1.044 Vending Machines.

~~(1)(a) For purposes of Definitions—The following terms and phrases when used in this rule, the terms "vending machine" and "vending machine operator" shall have the meaning ascribed to them in s. 212.0515(1), F.S. except where the context clearly indicates a different meaning:~~

~~(a) "Vending machine" means a machine, operated by coin, currency, credit card, slug, token, coupon, or similar device, which dispenses food, beverages, or other items of tangible personal property.~~

~~(b) "Vending machine operator" means any person who possesses a vending machine for the purpose of generating sales through that machine and who maintains the inventory in and removes the receipts from the machine.~~

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

~~(2) Vending machine sales; levy of tax; effective tax rates.~~

(2)(a) All sales made through vending machines of food, beverages, or other items are taxed in the manner and at the rates established in s. 212.0515(2), F.S., except as provided in paragraphs (a)-(c), taxable, unless specifically exempt. (See subsection (7) below.)

(a) Receipts from vending machines owned and operated by churches or synagogues are exempt. Such entities are not required to post a notice as required in subsection (4). However, the name and address of the church or synagogue should be affixed to such machines.

(b) Food and drinks sold for human consumption for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation under s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended, are exempt. The name and address of the qualified sponsoring organization must be affixed to each machine used for this exempt purpose. Operators of vending machines from which items of taxable merchandise, including soft drinks, are sold individually for 10 cents or more will be considered to be remitting sales tax at the rates prescribed by law if their remittances on the gross sales of such items do not fall below the effective tax rates established by this rule. These rates recognize the variations resulting from multiple sales. It is presumed that the selling price of the item vended was adjusted to include tax; therefore, the vendor should deduct the tax from the total gross receipts to arrive at gross sales.

(c) Food and beverages sold or dispensed through vending machines or other dispensing devices located in the student lunchroom, student dining room, or other area designated for student dining in state-supported or parochial, church, and nonprofit private schools operated for and attended by pupils of grades K through 12 are exempt. See Rule 12A-1.0011, F.A.C. Effective January 1, 1992, sales of beverages, including, but not limited to, soft drinks, coffee, tea, natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products; or natural fruit or vegetable juices through a vending machine are taxable at the rate of 6.65 percent. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0665 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due. The milk products, natural fruit or vegetable juices are taxable at the rate of 6.65 percent until July 1, 1993.

2. Effective July 1, 1993, sales of natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices through a vending machine are taxable at the rate of 6.45 percent. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0645 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

3. Effective January 1, 1992, sales of food items through a vending machine are taxable at the rate of 6.45 percent. For the purpose of this rule, gum and breath mints are considered food items. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0645 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

4. All other sales through a vending machine are taxable at the rate of 6.59. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0659 to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

5. When there is a combination of beverages, food, or other items that are sold through the same vending machine, the vending machine operator may, if the operator can identify and account for each type of items vended, remit the tax at the appropriate rate for each type of items vended. Example: A vending machine contains various types of food and novelty items at different prices. If the operator can account for and identify the total number of food items vended times the sales price for the food items, the operator may remit the tax at the rate of 6.45 percent for the food items and 6.59 percent for the novelty items. When an operator cannot identify and account for each type of items sold through the vending machines, the highest tax rate for a product vended shall be used for all products sold through that machine.

(d) When a dealer can demonstrate to the satisfaction of the Department through its books and records that a lower rate than that which is provided in the preceding paragraphs of this rule is applicable, except for food and beverage vending machines on and after January 1, 1992, the total of the state tax and the surtax that is payable on sales through a vending machine shall be at that rate.

1.a. In order to substantiate a lower effective tax rate, a vending machine operator is required to maintain books and records which contain the total number of items sold in each machine in which similar kinds of items are vended and the sales price for each item vended.

b. Example: Company X wants to establish a lower effective tax rate for novelty items vended. The company must use the sale of all novelty items from each vending machine and the sales price of each item vended. The company should not include its food or drink sales in trying to establish a lower effective tax rate for its novelty items.

2. If an operator establishes a lower effective tax rate on a per vending basis, the operator must also establish an effective tax rate for any machine which produces a rate higher than that prescribed in this rule.

3. Operators using an effective tax rate other than the applicable rate prescribed within this rule must recompute the rate on a monthly basis.

(3) Quarterly information reports; penalties and interest.

(a)1. Effective October 1, 1991, a SALES AND USE TAX VENDING MACHINE OPERATOR QUARTERLY REPORT (Form DR 15VO), and a SALES AND USE TAX VENDING MACHINE OPERATOR QUARTERLY CONSOLIDATED REPORT (Form DR 15VOC), which are incorporated by reference in Rule 12A 1.097, F.A.C., are required to be filed by operators of food or beverage vending machines. Form DR 15VO is to be completed for each county sales tax registration, by operators who file separate sales and use tax returns. Forms DR 15VO and DR 15VOC are to be completed by operators filing a consolidated sales and use tax return. The reports provide the number of food or beverage vending machines being operated by that operator in this state, which number is coded to indicate whether the machines are food or beverage machines; separate statements for food machines and for beverage machines which indicate the total receipts from the operation of the machines during the quarterly period; and the amount of tax remitted pursuant to this part with respect to such receipts. All information shall be broken down by county.

2. Effective October 1, 1991, a SALES AND USE TAX VENDING MACHINE WHOLESALER QUARTERLY REPORT (Form DR 15VW), which is incorporated by reference in Rule 12A 1.097, F.A.C., is required from any person who sells food or beverages for resale. Effective July 8, 1992, the report is required to be filed only by persons who sell food or beverages to an operator for resale through vending machines or by persons who sell 25 cases or more of soft drinks per transaction as a tax-free sale for resale. The report identifies, by dealer registration number, each operator described in paragraph (4)(a) of this rule, who has purchased such items from said person and states the net dollar amount of purchases made by each operator from said person. In addition, the report shall also include the dealer's name, dealer registration number, and net dollar amount of any single purchase for resale of canned soft drinks of 25 cases or more for reports required to be filed after July 8, 1992.

3. Any person may file the quarterly reports, Forms DR 15VO, DR 15VOC, or DR 15VW, on magnetic media or floppy disks. Magnetic tape and floppy disk specifications and file descriptions may be obtained from Returns Reconciliation, 5050 West Tennessee Street, Building F 4, Tallahassee, Florida 32399-0100. The magnetic media shall be labeled, indicating name of company, Florida sales and use tax certificate of registration number, applied date, and type of tax information included on tape. Magnetic tapes shall be identified by reel number and disks by identification number. Submitters of magnetic media shall file the face of the report containing grand totals and the reel or disk identification number.

4. The Department has the authority to require that the quarterly reports be filed on magnetic media or floppy disks, and this method of report filing may be required in the future. The industry will be notified within a reasonable time period before it is required to file the reports on magnetic media or floppy disks.

(b) A penalty of \$250 is imposed on any person required to file the quarterly reports who fails to timely file these reports or who files false information. The \$250 penalty shall accrue interest at the rate of 1 percent per month from the date the report is due until the date the penalty is paid.

(c) Persons who sell food or beverages for 25 cents or less through a vending machine sponsored by an organization qualifying as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended, are not required to file the quarterly reports.

(4) Annual certificate required to be given by operators to food and beverage vendors; penalties and interest.

(a) Effective November 1, 1991, an ANNUAL CERTIFICATION TO FOOD OR BEVERAGE WHOLESALER is required to be provided by all operators to their food and beverage vendors when food or beverages are purchased for resale in vending machines. The certificate must affirmatively state that the purchaser is a vending machine operator. The certificate is due beginning November 1, 1991, and by November 1 of each year thereafter. If the first transaction between the parties occurs before November 1, then the certificate is due on the date of the transaction and by November 1 of each year thereafter. The following is a suggested form of the certificate to be completed by the operator purchasing food or beverages for resale in vending machines to be furnished to the selling dealer of the food and beverages.

INSTRUCTIONS

Florida law requires each sales tax dealer who purchases food or beverages for resale through vending machines to provide a completed copy of this certification to his Florida food or beverage supplier(s) by November 1, 1991, or upon first entering into a transaction with the supplier, and by November 1 of each year thereafter.

The certification need not be on a form provided by the Department of Revenue but must contain all the information listed hereon. This certification is in addition to the resale certificate required for a tax free purchase.

ANNUAL CERTIFICATION TO FOOD OR BEVERAGE WHOLESALER

Wholesaler to whom this certification is being presented:

Business Name _____

Business Address _____

City, State, Zip _____

Name and address of purchaser making this certification:

Business Name _____

Business Address _____

Florida Sales Tax Registration Number or Social Security Number	Federal Employer Identification Number
--------------------------------------------------------------------------	-------------------------------------------

The business or individual making this certification operates one or more food or beverage vending machines in Florida. The undersigned signature certifies that the above information is true and correct.

Signature of Owner, Partner, or Officer	Date
--------------------------------------------	------

(b) Effective July 8, 1992, a \$250 penalty is imposed on any vending machine operator who operates vending machines and who fails to provide the certificate to its food and beverage vendor(s) or who provides its vendor(s) with false information. The penalty shall accrue interest at the rate of 1 percent per month from the date the certificate is due until the date the penalty is paid.

(c) Persons who sell food or beverages for 25 cents or less through a vending machine sponsored by an organization qualifying as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended, are not required to submit the annual certificate to their food and beverage vendors.

(3)(5) Registration. Before any person may operate a vending machine in this state, such person must register with the Department of Revenue for sales and use tax purposes unless such person is already registered as a dealer. Owners or operators Operators of vending machines must obtain a separate Sales and Use Tax Certificate of Registration (form Form DR-11) for each county in which the such machines are located. One Sales and Use Tax Certificate of Registration (Form DR-11) is sufficient for all the owner's or operator's machines within a single county. See Rule 12A-1.060, F.A.C. To receive a Certificate of Registration each person or business must file an Application for Sales and Use Tax Registration (Form DR-1). These forms are incorporated by reference in Rule 12A-1.097(7), F.A.C. A notice must be affixed to each vending machine which dispenses items of tangible personal property other than food and beverages showing the operator's name, address, and dealer's certificate of registration number. Agents of the Department of Revenue are authorized to seal vending machines upon which this information is not clearly posted.

(4)(6) Notice to be displayed on each vending machine; penalty and interest for failing to display notice; ~~informant's~~ fees.

- (a) No change.
- 1. through 3. renumbered (b) through (d) No change.

(e)(b) Any vending machine operator who fails to properly obtain and display the required notice on any vending machine is subject to the penalties and interest as provided in s. 212.0515(4), F.S. Upon a determination that a violation has occurred, the Department shall pay the informant up to 10 percent of previously unpaid sales tax and fees recovered as a result of the information provided. See Rule 12-18.008, F.A.C., for additional information on informant fees.

(7) Exemptions.

(a) Receipts from vending machines owned and operated by churches or synagogues are not taxable. The church or synagogue is not required to post a notice as required above on vending machines.

(b) Foods and drinks sold to students and faculty of elementary, middle school, junior high, and high schools through vending machines or dispensing devices located in dining rooms, lunchrooms, or cafeterias operated on the premises of such institutions are exempt. Sales of food and drinks through vending machines or devices located elsewhere on the grounds, such as in gyms, teacher's lounges, corridors, and shops, are taxable. Foods and drinks sold at junior colleges and institutions of higher learning are taxable no matter where or how sold.

(c) Food and drinks sold for human consumption for 25 cents or less through a coin operated vending machine sponsored by a nonprofit organization are exempt from sales tax. To receive the exemption the sponsoring organization must be qualified as a nonprofit corporation under s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended. The name and address of the qualified sponsoring organization must be affixed to each machine used for such exempt purpose.

(d) The sales through vending machines of ice cream or milk in quarts or larger containers are presumed to be for home consumption and are exempt. The sale of drinking water, including waters that contain minerals or carbonation in their natural state, is exempt. The sale of water to which carbonation or minerals have been added is taxable.

(e) The notice requirement provision in subsection (6) applies to all vending machines dispensing exempt food or beverage products, except vending machines owned and operated by churches or synagogues. This notice requirement is in addition to any other notice required to be posted on the vending machine, such as, the name and address of sponsoring organizations as required in paragraph (c) above. The penalty and interest provisions contained in subsection (6) for failing to post such notice, shall likewise apply.

Cross Reference—Rule 12A-1.011, F.A.C.

(5)(8) Purchases or leases of vending machines.

(a) No change.

(b) The purchase of machines, machine parts and repairs, and replacements thereof that ~~which~~ are a component part of the machine, by the machine owner or lessor for exclusive

rental is exempt. The machine owner or lessor must registered with the Department and must issue a copy of the dealer's Annual Resale Certificate. A resale certificate shall be presented to the selling dealer to purchase seller of these items by the purchaser in lieu of paying tax exempt for the purposes of leasing or renting the machine.

(c) through (d) No change.

~~(6)(9)~~ No change.

~~(7)(10)~~ The following examples are intended to provide further clarification of the provisions of this section:

(a) through (c) No change.

(d) Example: When a A bottler who removes from inventory a drink vending machine to be placed at a location under an agreement where the location owner is the operator, the bottler, as a registered dealer, may extend a copy of the dealer's Annual Resale Certificate (form DR-13) to a resale certificate in lieu of paying tax on the purchase of vending machines or component parts for exclusive rental. The rental of the vending machine may either be on a per case basis or a flat monthly rate. In such instances, the tax must be collected by the bottler and remitted at the rate of 6 percent of the amount received as rental. Also, tax is due on all merchandise sold through the machine by the location owner (operator).

~~(8)(11)~~ If any vending machine used on a full service basis or for exclusive rental is later sold as a "used" machine, the sale it becomes fully taxable to the purchasing customer is subject to tax buying it at the time of sale.

Specific Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g),(14),(15),(16),(19),(24), 212.031, 212.05(1)(i), 212.0515, ~~212.054, 212.055,~~ 212.07(1),(2), 212.08(1),(7),(8), 212.11(1), 212.12(2),(3),(4),(9), 212.18(2),(3) FS. History-Revised 10-7-68, 6-16-72, 1-10-78, Amended 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, _____.

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

~~(1)(a)~~ The sale of agricultural products, ~~poultry, and livestock~~ direct from the farm when made directly by the ~~producer producers~~ is exempt. ~~The producer is not required to obtain an exemption certificate from the purchaser to make tax exempt sales of agricultural products.~~ This exemption does not apply to the sale of ornamental nursery stock. ~~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.~~

(b) Agricultural products that are produced by the farmer and used by the farmer or the farmer's family or employees on the farm are not subject to tax.

(c) The sale of agricultural products by persons who do not produce agricultural products to any person who does not directly consume the product, but acquires the raw product for resale to the ultimate retail customer, or for use in the process of preparing, finishing, or manufacturing agricultural products

for the ultimate retail consumer trade, is exempt. No certificate is required to be issued by the purchaser or obtained by the seller.

(d) The sale of agricultural products by any person, other than the producer, as a marketable or finished product to the ultimate consumer, except in the form of food or food products, is subject to tax. Example: Marketable products, such as nursery stock, and finished products, such as hides, bones, hooves, and feathers, are subject to tax.

(2)(a) The sale of ornamental nursery stock by any person, including producers of agricultural products, is subject to tax. The term "ornamental nursery stock" applies to all plants, shrubs, and trees customarily sold by nurseries for landscaping purposes, regardless of the state of growth or maturity, but does not include excluding plants used to produce food for human consumption. Sod and ferns are examples of ornamental nursery stock.

~~(b)1-~~ The rental of ornamental nursery stock, such as plants, shrubs, or trees, is subject to tax, including the rental by the producer of the ornamental nursery stock. The sale of ornamental nursery stock by the producer to anyone for any purpose other than resale is subject to the tax. All sales of ornamental nursery stock will be presumed to be retail sales and subject to the tax, unless the seller shall have obtained a resale certificate from his customer in accordance with the provisions contained in the Florida Department of Revenue Rule 12A-1.038 and Rule 12A-1.039 or, in the case of an out-of-state dealer, an affidavit in accordance with the provisions contained in Rule 12A-1.064(2)(b)1., F.A.C.

2. For example: The sale by the producer of ornamental nursery stock (regardless of state of growth or maturity) to a broker, wholesaler or retailer will be regarded as a retail sale and taxable unless the purchaser furnishes the seller with a resale certificate or affidavit as provided in subparagraph (b)1-

(c) through (e) No change.

~~(3)~~ The sale of agricultural products to any person who purchases them for the purpose of acquiring raw products not for direct consumption but for the use or for sale in the process of preparing, finishing or manufacturing such agricultural products for the ultimate retail consumer trade is exempt.

~~(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: Marketable products, such as nursery stock, and finished products, such as hides, bones, hooves, and feathers, are taxable. For the sale of ornamental nursery stock by the producer, see subsection (1) of this rule.

~~(3)(5)~~ The sale of topsoil Topsoil, peat moss, sand used for rooting purposes, 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.

~~(4)(6)~~ The sale of fill dirt is not the sale of an agricultural product and is subject to tax ~~taxable~~.

(5) The sales of certain items for agricultural use and items for agricultural purposes, as provided in s. 212.08(5)(a) and (e), F.S., are exempt. The exemption will not be allowed unless the purchaser furnishes the seller a written certificate stating that the purchased items qualify for exemption under s. 212.08(5)(a) or (e), F.S. The format of a suggested certificate is contained in Rule 12A-1.087(11), F.A.C.

(6) The sale of ornamental nursery stock for the purposes of resale, or for the purposes of producing for resale, is exempt. The seller must obtain a copy of the purchaser's Annual Resale Certificate (form DR-13) to make tax exempt sales for the purposes of resale.

~~(7) Plants used to produce food for human consumption are exempt.~~

~~(8) Nurserymen are in the same category as farmers and are entitled to the same exemptions on their purchases of tangible personal property for use exclusively in farming.~~

~~(9) Materials, containers, labels, sacks, or bags to be used one time only for packaging tangible personal property for shipment for sale, including burlap used to make bags for packaging plants and used cans for potting, are exempt to the commercial nurseryman.~~

~~(10) Clay pots and plastic containers used in potting and growing foliage and other plants are exempt to the commercial nurseryman. Pots and receptacles used for this purpose are classified as containers, and when eventually sold at retail along with the plant, they become a part of the tangible personal property sold and are taxable to the retail consumer.~~

~~(11) Registered dealers may extend resale certificates in writing to their suppliers in lieu of tax on items for resale as well as items entitled to exemption because of exclusive agricultural use.~~

~~(12) Items entitled to exemption when purchased for use on a farm include cloth, plastic, and other similar materials used for shade, mulch, and protection from frost or insects.~~

~~(13) Topsoil, sand used for rooting purposes, moss, compost, and manure, but not fill dirt, are exempt to a nurseryman when bought for exclusive use in crop production or when sold directly by the producer. (See subsection (1) of this rule.) When sold by other than the producer or purchased for other than crop production, these items are taxable.~~

~~(14) Nursery stock, plants, shrubs, and trees, purchased by one nurseryman from another for stock are exempt. Nursery stock purchased for direct resale and sold at retail is required to be purchased with a resale certificate and is subject to tax when sold to the ultimate consumer.~~

~~(16) Rentals of plants, shrubs, trees, etc., by the producer are taxable.~~

~~(17) The sale of field and garden seeds, including flower seeds, is exempt.~~

Specific Authority 212.17(6), 212.18(2), 213.06 FS. Law Implemented 212.02(29), 212.07(5),(6),(7), 212.08(5)(a),(e), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 12-11-74, Amended 7-20-82, Formerly 12A-1.48, Amended 3-1-00.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a) The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., Rule 12A-1.005, F.A.C., Rule 12A-1.070, F.A.C., and this rule, all taxes required to be collected in any month by Chapter 212, F.S., are due the Department of Revenue on the first day of the month following the date of sale or transaction. The payment and return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. When the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and Sec. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to Section 7503 of the 1986 Revenue Code, as amended, means a legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) No change.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 212.11(1)(c) or (d), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(d) Quarterly, semiannual, or annual filers that remit an excessive tax payment for the period July 1 through June 30 which represents a nonrecurring business activity can request to continue to file their returns quarterly, semiannual, or annually by submitting a written request to the Florida Department of Revenue, Central Registration, Post Office Box 6480, Tallahassee, Florida 32314-6480. When a dealer makes a written request to continue on the same filing frequency, the Executive Director or the Executive Director's designee will determine whether the dealer's request is based on a nonrecurring business activity, based upon the facts of each case, using the following guidelines:

1. The type of activity. The type of activity, as opposed to the level of activity, that makes that dealer's remittance unusual for its particular business.

2. The focus of the dealer's business. A change in the dealer's business focus will not be considered nonrecurring business activity.

3. The number of occurrences. When the dealer's remittance amount continues to exceed the maximum amount allowed for a quarterly, semi-annual, or annual filing frequency, the remittance will not be considered nonrecurring.

4. Regularity. If the events are so regular that the amounts exceeding the maximum remittance amounts allowed for a quarterly, semi-annual, or annual frequency can be predicted, the remittance will not be considered nonrecurring.

(2) through (3) No change.

(4) The following are not required to be included in computing the estimated tax liability due and payable;

(a) Any local option sales tax, such as the tourist development tax levied under authority of s. 125.0104, F.S.; the tourist impact tax levied under the authority of s. 125.0108, F.S.; the convention development tax levied under authority of s. 212.0305, F.S.; or the discretionary sales surtaxes levied under authority of s. 212.055, F.S.

(b) The rental car surcharge levied under the authority of s. 212.0606, F.S.

(c) Any solid waste fee, such as the new tire fee levied under the authority of s. 403.718, F.S., ~~or; the lead-acid battery fee levied under authority of s. 403.7185, F.S.; the waste newsprint disposal fee levied under the authority of s. 403.7195, F.S.; or the advance disposal fee levied under the authority of s. 403.7197, F.S.~~

(5)(a) No change.

(b) If the Executive Director or the Executive Director's designee in Return Reconciliation determines that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer on a calendar month basis, the Executive Director or the Executive Director's designee in the Return Reconciliation will notify the dealer in writing that the deviation from monthly filing of returns and remitting of tax is authorized. Such returns shall be due and payable on the first day succeeding the end of the reporting period and shall be delinquent on the twenty-first day succeeding the end of the reporting period. ~~However, any dealer who is subject to estimated tax filing provisions of this rule is required to remit by the 20th day of the reporting period for which the liability applies an estimated tax payment in the time and manner prescribed in 12A-1.056(2), F.A.C.~~

(6)(a) through (d) No change.

~~(e)1. The Executive Director or the Executive Director's designee is authorized to reduce the collection allowance by 10 percent when a dealer files an incomplete return as defined in subparagraph 2. of this paragraph.~~

2. An "incomplete return" means a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished, including but not limited to, the

~~failure to provide the amount of gross sales, exempt sales, taxable sales, tax collected or due, lawful refunds, deductions, or credits claimed, collection allowance, penalty, interest, estimated tax liability, and total amount due with the return.~~

~~(e)(f) No change.~~

(7) through (11) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c),(h), 212.031(3), 212.04(3),(4),(5), 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.29, 213.755, 215.01, 376.11, 403.718, 403.7185 FS. History-Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00,_____.

12A-1.0565 Waiver of Electronic Data Interchange Sales and Use Tax Return Filing Requirements.

(1) Section 212.11(1)(f), Florida Statutes, authorizes the Department to require certain taxpayers to submit their sales and use tax returns using an electronic data interchange (EDI) method. Furthermore, this statute allows the Department to grant a waiver from this EDI requirement. To qualify for this waiver, the taxpayer or the owner or an officer, or the taxpayer's accountant or bookkeeper, must file an EDI Waiver Request (form DR-654) with the Department and certify that he or she meets at least one of the criteria established in subsection (2).

(2) through (4) No change.

~~(5)(a) The Department prescribes Form DR-654 (Florida EFT Program Electronic Tax Payment System, EDI Waiver Request; R-10/97), incorporated herein by reference, as the form to be used by persons to request a waiver pursuant to this rule.~~

~~(b) A taxpayer can obtain this form by using one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

Specific Authority 212.18(2), 213.06(1) FS. Law Implemented 212.11(1)(f) FS. History-New 12-6-98, Amended _____.

12A-1.058 Trade Stamps.

(1) ~~The amount charged by a trade stamp company to a dealer for the privilege of distributing trade stamps which are redeemable by the trade stamp company either in cash or in premiums is exempt.~~

(2) ~~The trade stamp company is the final purchaser of and shall pay tax on the purchase of all trade stamps, stamp collection bonds, premium catalogs, advertising, promotional and similar materials that it uses or furnishes to its dealers at no specific charge.~~

(3) ~~When a trade stamp company accepts trade stamps or a combination of trade stamps and cash in exchange for premiums, the transaction is taxable and the company shall collect tax from the surrenderer of the stamps computed on the total value of the stamp book and any cash paid. The trade stamp company is exempt on the purchase of such premiums, but should furnish its suppliers resale certificates as provided in Rule 12A-1.038.~~

Specific Authority 212.17(6), 212.18(2), 213.06 FS. Law Implemented 212.02(15),(19), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.58, Repealed _____.

12A-1.060 Registration.

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

2. The agent, representative, or management company may collectively register properties described in subparagraph 1., above, that are located in a single county by filing an Application for Collective Registration for Rental of Living or Sleeping Accommodations (~~form Form DR-1C, incorporated by reference in Rule 12A-1.097, F.A.C.~~) for each county.

3. through 7. No change.

(d) ~~Applications to Collect and or Report for Sales and Use Tax in Florida Registration (form Form DR-1) and Applications for Collective Registration for Rental of Living or Sleeping Accommodations (form Form DR-1C) are available, without cost, by: 1) writing the Florida upon written request to: Department of Revenue, Forms Distribution Center, 168 Blountstown Highway Bureau of Tax Information, P. O. Box 7443, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call 32314 7443. Persons with FAX machines may obtain selected forms immediately from the Department's FAX on Demand System at 850-922-3676; or, 4) visiting any local Department of Revenue Center to personally obtain a copy; or, by calling 904 922 3676 from a touch tone telephone connected to a FAX machine. Applications are also available by 5) calling the Forms Request Line during regular office hours at 1-800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>) 904 488 6800 or at any local taxpayer service center. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

(e) ~~The Department will issue a~~ ~~The Executive Director or the Executive Director's designee in the responsible division, upon receipt of such application, will grant to the applicant a separate Sales and Use Tax Certificate of Registration (form Form DR-11, incorporated by reference in Rule 12A-1.097, F.A.C.) for each place of business for which it receives an application for registration.~~ Engaging in a business listed in paragraph (a) of this subsection without first obtaining a Sales and Use Tax Certificate of Registration (~~Form DR-11~~) or after such certificate has been canceled by the Executive Director or the Executive Director's designee ~~in the responsible division~~ is prohibited. The failure or refusal of any person to register as a dealer is a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., or subject to injunctive proceeding as provided by law.

(f)1. No change.

2. An exhibitor is not required to register as a dealer if the agreement provides that the exhibitor shall make only wholesale sales, provided the exhibitor receives from each purchaser a copy of its Annual Resale Certificate, as provided in Rule resale certificate that meets the requirements of Rules 12A-1.038 and 12A-1.039, F.A.C. If an exhibitor fails to comply with these conditions, the exhibitor is required to register as a dealer if the exhibitor is a dealer within the definition of "dealer," as provided in s. 212.06(2) in subsection (2) of section 212.06, F.S.

3. through (2) No change.

(3)(a) ~~The Executive Director or the Executive Director's designee in the responsible division is authorized to require any person liable for any tax imposed by Chapter 212, F.S., to place with the Department, before or after a dealer's certificate of registration is issued, a cash deposit, bond or other security as the Executive Director or the Executive Director's designee in the responsible division may determine necessary to secure the payment of any tax, interest, or penalty which may become payable. In making the determination as to whether security should be required and the amount of such security, the Executive Director or the Executive Director's designee in the responsible division shall consider and be guided by:~~

1. ~~The prior history, if any, of the applicant's or dealer's compliance or noncompliance with the provisions of the law.~~

2. ~~The type of business, including the transient or nontransient nature of the business.~~

3. ~~The type of inventory, including whether the applicant or dealer has any equity in such inventory and the mobility of such inventory.~~

4. ~~The location of the business.~~

5. ~~The financial status of the applicant or dealer, including existence of money judgments against the applicant or dealer.~~

6. ~~The anticipated volume of business.~~

(b) ~~The security requested shall be an amount equal to three months' anticipated tax liability, or in the case of a registered dealer, an amount equal to three months' tax liability~~

based on an average of the tax due for the preceding twelve months. An adjustment shall be made to the next highest \$100 when the anticipated liability is not in even \$100 amounts. In any case where a bond is required as a condition to registration or retention of a dealer's certificate of registration, the minimum amount of such bond shall be \$100.

(c) If any taxpayer is delinquent in the payment of taxes imposed by Chapter 212, F.S., the Executive Director or the Executive Director's designee in the responsible division may, upon ten (10) days' notice, proceed against the bond to effect collection of the delinquent taxes, interest and penalties.

(d) No interest shall be paid by the state to any person for the deposit of security.

(e) The Department prescribes the following forms, incorporated by reference in Rule 12A-1.097, F.A.C., to be utilized in the administration of cash deposits and bonds it may determine necessary to secure the payment of any tax, interest, or penalty which may become payable:

1. Form DR-17, Sales and Use Tax Cash Bond;
2. Form DR-29, Refund of Cash Bond;
3. Form DR-76, Florida Contract Data Form;
4. Form DR-77, Contractor's Sales or Use Tax Bond;
5. Form DR-77A, Contractor's Sales or Use Tax Bond (Open Bond);
6. Form DR-92-1, Surety Bond - Sales and Use Tax.

(3)(4) No change.

(5)(a) In addition to the initial registration fee referred to in paragraph (1)(a), and any other fee, any person who holds a certificate of registration shall, with returns described in paragraph (b), pay an additional annual registration fee in the amount provided in paragraph (c) for each certificate of registration granted.

(b) Each such annual registration fee shall be due and payable with the person's January return or first quarterly return for each year. The Department prescribes Form DR-7AR, Annual Registration Fee (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be utilized by dealers filing a consolidated sales and use tax return, and Form DR-15AR, Annual Registration Fee (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be used by other dealers.

(c) The amount of each annual registration fee shall be as follows:

1. If the certificate holder's taxable sales or purchases during the calendar year immediately preceding the filing of the return were less than \$30,000, no annual registration fee shall be payable.
2. If such taxable sales or purchases were at least \$30,000 but less than \$200,000, the fee shall be \$25.
3. If such taxable sales or purchases were \$200,000 or more, the fee shall be \$50.

a. Example: Certificate holder had a total of \$185,000 taxable sales and \$134,000 taxable purchases during 1988. Since neither total exceeded \$200,000 (although the total of the two exceeded \$200,000) but each exceeded \$30,000, the annual registration fee due in 1989 would be \$25.

b. Example: Certificate holder had a total of \$22,000 of taxable purchases and a total of \$32,000 taxable sales during 1988. Since one of these totals exceeded \$30,000, the annual registration fee due in 1989 would be \$25.

(d) The annual registration fee for any dealer who files a consolidated return pursuant to s. 212.11, F.S., shall not exceed \$10,000.

(e) The collection allowance for the keeping of required records, accounting for, and remitting tax shall not be allowed for the annual registration fee.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3),(5) FS.; s. 14, ch. 99-208, L.O.F. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, _____.

12A-1.064 Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats.

(1) through (5)(k) No change.

(4) Parts used in the repair of nets are exempt when used exclusively by commercial fishermen. (Sponge fishermen qualify as commercial fishermen.) To purchase such nets and parts thereof tax exempt, a certificate in substantial conformity with the certificate suggested in Rule 12A-1.039, F.A.C., must be executed.

(m) through (n) renumbered (1) through (m) No change.

(6) through (7) No change.

(8) A Florida dealer who prints his own catalogs and ships them free of charge to his representatives in other states is the consumer of such catalogs and is taxable on their cost as provided in Rule 12A-1.034.

(9) through (13) renumbered (8) through (12) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), 212.05(1), 212.0598, 212.06(2),(5), 212.08(4)(a),(8),(9), 212.12(8), 212.13(1), 212.16, 212.21(3) FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 5-23-77, 9-26-77, 10-18-78, 3-30-79, 4-10-79, 3-27-80, 7-20-82, 10-13-83, 8-28-84, Formerly 12A-1.64, Amended 1-2-89, 10-16-89, 7-30-91, 3-20-96, 11-30-97, 7-1-99, _____.

12A-1.069 Sales by Governmental Agencies and Instrumentalities and Exempt Institutions.

(1) The State of Florida, any county, municipality, political subdivision, agency, bureau or department or other state or local governmental instrumentality or any institution making sales subject to the tax imposed by Chapter 212, F.S., shall qualify as a dealer and shall collect and remit the applicable tax.

(2) Churches are not required to collect tax on sales or rental of tangible personal property and are not required to register as dealers for such transactions.

~~(3) When churches, nonprofit religious, nonprofit educational or nonprofit charitable institutions rent or lease to others any real property as defined in Rule 12A-1.070, or rent or lease to others any parking or docking spaces as defined in Rule 12A-1.073, such institutions shall register as dealers and collect and remit tax on such transactions.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(12),(15), 212.05(1), 212.06(2), 212.08(7)(c),(10), 212.21(2) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Formerly 12A-1.69, Repealed _____.

12A-1.080 Concession Prizes; The Sale of Food, Drink, and Tangible Personal Property at Concession Stands.

(1) Operators of game concessions and other concessionaires who customarily award tangible personal property as prizes are the ultimate consumers of such property. ~~Operators may pay tax on the cost price of such property or pay tax on~~ As a basis for determining their tax liability for such prizes, concessionaires will be charged sales tax computed at 6 percent ~~of 25 percent of the gross receipts from all such concession activity games.~~

(2)(a) ~~Concessionaires Vendors at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business events, where it is impracticable due to the nature of the business practices within that industry to separately state Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, may calculate tax due by using a divisor of 1.0659 in counties that do not impose a discretionary sales surtax shall be taxed at 6.59 percent of gross sales. To calculate compute the correct amount of tax due, the dealer should divide the his total gross receipts by 1.0659 to compute taxable sales. Subtract and then subtract taxable sales from the total gross receipts to compute arrive at the amount of tax due. The 6.59 percent recognizes the variation resulting from multiple sales transactions. See Rule 12A-15.010, F.A.C., for divisors in counties imposing a discretionary sales surtax.~~

(b) ~~Concessionaires Vendors at carnivals, fairs, and similar events that separately state Florida sales tax on their charge tickets, sales slips, invoices, or other tangible evidence of sale must remit to the state the amount of tax collected and due on their sales recording the sales price of the items sold and the tax thereon, must maintain accurate records of the tax so collected, and the amount of tax so collected and/or due must be remitted to the state.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(a)1.a.,(n),(2),(3),(4), 212.06, 212.07(2), 212.12(6) FS. History—Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.80, Amended 12-13-88, _____.

12A-1.087 Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(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 2.5 ~~3~~ percent. To qualify for the partial exemption, such equipment must be used

exclusively on a farm or in a forest in the agricultural production of 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 the agricultural production of 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. ~~The format of~~ Although the Department does not furnish the printed form to be executed by farmers by purchasing or leasing qualifying equipment, a suggested certificate is contained in subsection (11) 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 2.5 ~~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) No change.

(b) Agricultural production, as defined in s. 212.02(34), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

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

~~(f)(e)~~ Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products.

~~(g)(f)~~ No change.

(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) through (b) No change.

(c) Boats and boat motors, purchased together or separately, for use in the agricultural production of 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) through (j) No change.

(4)(a) Persons engaged in the agricultural production of 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 in the agricultural production of for planting, cultivating, or harvesting clams on the leased site. The exemption is not forfeited by moving boats between farms.

(5) through (8)(a) No change.

(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 subsection (11) Rule 12A-1.039, F.A.C.

2. through (9) No change.

(10)(a) The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:

1. sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

2. consumed in transporting farm vehicles and farm equipment between farms.

3. sold for use to heat a structure in which started pullets or broilers are raised.

4. sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

(11) Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the limitation under s. 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying equipment at the rate of 2.5 percent. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name, address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Selling dealers may contact the Department at 1-800-352-3671 to verify the specific exemption specified by the purchaser. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(d) The following is a suggested format of an exemption certificate to be issued by any person purchasing items that qualify for the limitation under s. 212.08(3), F.S., or qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate.

EXEMPTION CERTIFICATE
ITEMS FOR AGRICULTURAL USE OR FOR
AGRICULTURAL PURPOSES
AND CERTAIN FARM EQUIPMENT

This is to certify that the items identified below, purchased on _____ or after _____ (date) from _____ (Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

() Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.

() Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

() Generators purchased, rented, or leased for exclusive use on a poultry farm.

() Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in s. 212.08(5)(a), F.S.

() Nets, and parts used in the repair of nets, purchased by commercial fisheries.

() Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

() Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

() Seeds, including field and garden seeds and flower seeds.

() Seeds, seedlings, cuttings, and plants used to produce food for human consumption.

() Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

() Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

() Liquefied gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

() Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

() Self-propelled, power-drawn, or power-driven equipment, when purchased, rented, or leased for exclusive use in the agricultural production of 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, taxable at the rate of 2.5 percent.

() Other (include description and statutory citation): _____
I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1-800-352-3671.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Representative _____

Sales and Use Tax Certificate of Registration No. (if applicable) By _____

(Signature of Purchaser or Authorized Representative) _____

Title _____

(Title – only if purchased by an authorized representative of a business entity)

Date _____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c),(30),(31),(32),(33),(34), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3),(5)(a),(e) 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, 3-1-00, _____.

12A-1.091 Use Tax.

(1) through (13) No change.

(14)(a) Any person, whether registered or unregistered, who has purchased or leased tangible personal property either in this state or from out-of-state for use, consumption, or distribution, or for storage to be used or consumed in this state without having paid sales tax on such property if subject to tax, is required to remit use tax on the cost price and on the lease of such property. If such person is registered, use tax is to be remitted with the dealer's sales and use tax return. If such person is unregistered, use tax is to be remitted on Form DR-15MO, Mail Order/Use Tax Return (incorporated by reference in Rule 12A-1.097, F.A.C.), on or before the 20th day of the first month after the end of the calendar quarter during which any such property first came to rest and became a part of the general mass of property in this state. ~~When in those cases where~~ the 20th day falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the Internal Revenue Code. A "legal holiday" pursuant to Section 7503 of the 1986 Internal Revenue Code, as amended, means a legal holiday in the District of Columbia or a Statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) through (d) No change.

~~(15) The use tax applies to promotional materials, as defined in s. 212.06(11)(b), F.S., including mail order sales as defined in s. 212.0596, F.S. After July 1, 1992, an exemption is provided on promotional materials which are subsequently exported outside this state through a refund of previously paid taxes or by the dealer self-accruing taxes as provided in Rule 12A-1.0911, F.A.C. While a dealer purchasing and distributing the promotional materials and the seller of the promoted subscriptions to publications are not required to be the same person, the exemption only applies when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department~~

on publications sold in this state. See Rule 12A-1.034, F.A.C., to obtain a refund of tax previously paid on promotional materials.

~~(15)(16)~~ For use tax on services taxable under Part I, Chapter 212, F.S., see Rule 12A-1.0161, F.A.C.

~~Cross Reference: Rules 12A-1.0161, 12A-1.034, and 12A-1.0911, F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(7),(20),(21), 212.05(1), 212.0596(7), 212.06(1),(2),(4),(7),(8),(11), 212.07(8)(9), 212.183 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 11-6-85, Formerly 12A-1.91, Amended 7-7-92, 6-2-93, 11-16-93, 1-4-94, 5-18-94, _____.

12A-1.0935 Authority to Issue Subpoenas and Subpoenas Duces Tecum.

(1) through (3) No change.

(4) Procedure for issuing a subpoena or subpoena duces tecum.

(a) Any employee in the Compliance Support Process or the Compliance Enforcement Process of the General Tax Administration Program may apply for the issuance of a subpoena or subpoena duces tecum. The applicant must use an Application for Subpoena and/or Subpoena Duces Tecum Issued under Section 212.14, F.S. (form DR-400100) form DR-13, APPLICATION FOR SUBPOENA and/or SUBPOENA DUCES TECUM. The application must be sworn to by the applicant, and must include:

1. through 6. No change.

(b) After approving the application for issuance of a subpoena, the executive director or other Department employee designated in subsection (3) ~~of this rule section~~ must sign the Subpoena and/or Subpoena Duces Tecum (form DR-400101) subpoena or subpoena duces tecum, prior to it being issued for service to the intended party. ~~Form DR-13A, SUBPOENA and/or SUBPOENA DUCES TECUM, must be used for this purposes.~~

(c) Service of the Subpoena. The subpoena or subpoena duces tecum must:

1. through 4. No change.

5. The Department must notify the affected taxpayer that a subpoena or subpoena duces tecum is being issued to a recipient. ~~This notification must occur~~ within three working days after the day the subpoena or subpoena duces tecum is served or delivered to the recipient. The Department will issue a Notice of Subpoena and/or Subpoena Duces Tecum (form DR-400102) to notify ~~must use form DR-13B, NOTICE OF SUBPOENA and/or SUBPOENA DUCES TECUM, for this notification to~~ the affected taxpayer.

(d) through (e) No change.

~~(f) Form DR-13, APPLICATION FOR SUBPOENA and/or SUBPOENA DUCES TECUM, dated March, 1995, Form DR-13A, SUBPOENA and/or SUBPOENA DUCES TECUM, dated March, 1995, and Form DR-13B, NOTICE OF SUBPOENA and/or SUBPOENA DUCES TECUM, dated~~

March, 1995, are hereby adopted by reference as the forms used by the Department of Revenue for the purposes of this rule. An invalid copy of any of these forms may be obtained by writing to: Florida Department of Revenue, Taxpayer Assistance, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(5) through (8) No change.

(9) Compensation for Travel or Production of Records.

(a) through (b) No change.

(c) After the subpoena duces tecum is served, the third-party record-keeper is required to keep accurate records of personnel search time, the actual distance traveled to and from the courts as required in s. 92.142, F.S., and the number of reproductions made. To request compensation, the third-party record-keeper is required to submit an invoice to the employee of the Department who served the subpoena. The invoice should contain: the requestor's name and Federal Employer Identification Number (FEIN); the name of the Department employee who served the subpoena; the case name and number; the name of the taxpayer to whom the records pertain; and an itemized listing of the incurred costs being submitted for compensation.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.142(1), 212.14(7) FS. History-New 3-27-95, Amended _____.

12A-1.0955 Revocation of Sales Tax Certificates of Registration.

(1) No change.

(2) The Department may commence a revocation action through issuance of a Preliminary Notice of Revocation ~~(Form DR-1PN)~~ to the last known address of record furnished by the dealer. This Notice informs the dealer that:

(a) through (3) No change.

(4) To challenge a revocation as stated in an Administrative Complaint, the dealer shall submit a completed Request for Hearing (Form DR-1AC) ~~or a~~ written petition requesting a hearing, postmarked or hand-delivered no later than 21 consecutive calendar days after the issuance date on the Complaint.

(a) No change.

(b) The written petition for a hearing ~~or the Request for Hearing form~~ submitted by the dealer shall include all the following information:

1. through 7. No change.

(5) In the event a dealer fails to submit a timely written petition for a hearing ~~or a Request for Hearing (Form DR-1AC)~~, or fails to submit a written petition ~~or a Request for Hearing~~ which complies with all the requirements set forth in subsection (4) above, the Department shall, without conducting a hearing, issue a Final Order revoking the dealer's certificate of registration. Issuance of a Final Order shall constitute Final Agency Action.

(6) When a dealer submits a timely written petition of Request for Hearing (Form DR-1AC) which complies with all the requirements set forth in subsection (4) above:

(a) through (9) No change.

(10) In addition to the forms prescribed in Chapter 12A-1, F.A.C. the following public use forms and instructions are employed by the Department in its dealings with the public when administering this rule, and are incorporated herein by reference. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Form Number	Title	Effective Date
(1) DR-1PN	Preliminary Notice of Revocation	12/92
(2) DR-1AG	Agreement	12/92
(3) DR-1AC	Administrative Complaint/Request for Hearing	12/92

Specific Authority 72.011, 212.17(6), 212.18(2), 213.06(1), 213.21 FS. Law Implemented 72.011, 120.57(1),(2), 120.60(5), 120.80(14), 212.18(3) FS. History—New 12-8-92, Amended _____.

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

(1) through (5) No change.

(6) Temporary Tax Exemption Permit-Refund or Credit.

(a)1. To receive the exemption provided under subsections (2) or (3), a qualifying business entity must apply to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, for a temporary tax exemption permit. (See subsection (12) for registration requirements with the WAGES Program Business Registry.) The business entity seeking a temporary tax exemption must file an Application for Temporary Tax Exemption Permit (~~form~~ Form DR-1214), incorporated by reference in Rule 12A-1.097, F.A.C., with the Department prior to receiving a permit or refund for the new or expanded business. Upon a tentative affirmative determination of the business's qualification for exemption by the Executive Director or the Executive Director's designee, a temporary tax exemption permit shall be issued to, or a refund authorized for, the business entity.

2. through (11) No change.

~~(12) WAGES Program Business Registry. No machinery and equipment purchased, or leases payments made, by any new or expanding business will be eligible for the exemption without that business being registered with the WAGES Program Business Registry.~~

Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.0805, 212.13(2), 215.26(2) FS. History—New 5-11-92, Amended 7-1-99, 6-28-00, _____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2) DR-1	Application to Collect and/or Report and Use Tax in Florida Registration (r. 08/00 04/92)	08/92
(3) DR-2A	Sales Tax Brackets Effective 6% Taxable Transactions (r. 02/88)	08/92
(4) through (5)	renumbered (3) through (4) No change.	
(5)(6)(a) DR-7	Consolidated Sales and Use Tax Return (r. 01/01 03/92)	08/92
(b) DR-7AR	Annual Registration Fee (Consolidated Registration No.) (r. 01/92)	08/92
(7) *DR-11	Sales and Use Tax Certificate of Registration (r. 01/89)	08/92
(8) *DR-14	Consumer's Certificate of Exemption (r. 04/90)	08/92
(6)(9)(a) DR-15AR	Annual Registration Fee (r. 01/92)	08/92
(a)(b) DR-15CS	Sales and Use Tax Return (r. 01/01 04/92)	08/92
(b)(c) DR-15CSN	Sales and Use Tax Return - Line-by-Line Instructions (for Completing Form DR-15CS) (r. 01/01 06/94)	08/92
(d) through (e)	renumbered (c) through (d) No change.	
(e)(f) DR-15MO	Mail Order/Use Tax Return (r. 07/99 N. 01/94)	08/92
(f)(g) DR-15S	Supplementary Sales & Use Tax Return for Multistate Business (r. 01/01 04/88)	08/92
(h) DR-15VO	Sales and Use Tax Vending Machine Operator Quarterly Report (N. 7/91)	08/92

(i) DR-15VOC	Sales and Use Tax Vending Machine Operator Quarterly Consolidated Report (N. 7/91)	08/92
(j) DR-15VW	Sales and Use Tax Vending Machine Wholesales Quarterly Report (N. 7/91)	08/92
(10) DR-17	Cash Bond, Sales and Use Tax (r. 04/77)	08/92
(7) DR-18	Application for Amusement Machine Certificate (r. 02/00)	_____
(11) DR-29	Refund of Cash Bond (r. 09/87)	08/92
(12) through (17)	renumbered (8) through (13) No change.	
(18) DR-76	Florida Contract Data Form (r. 05/91)	08/92
(19)(a) DR-77	Contractor's Sales and Use Tax Bond (r. 09/90)	08/92
(b) DR-77A	Contractor's Sales and Use Tax Bond (Open Bond) (r. 04/91)	08/92
(20) DR-92-1	Surety Bond Sales and Use Tax (r. 09/83)	08/92
(21)(a) DR-95	Schedule of Sales Tax Credits Claimed on Bad Debts (r. 07/88)	08/92
(14)(a)(b) DR-95A	Schedule of Florida Sales or Use Tax Credits Claimed on Tangible Personal Property Repossessed (r. 04/95 04/88)	_____ 08/92
(b)(e) DR-95B	Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Motor Vehicles (r. 04/93 04/88)	_____ 08/92
(22) through (23)	renumbered (15) through (16) No change.	
(24) DR-151	Blind Person's Application for Certificate of Exemption	08/92
(25) *DR-152	Consumer's Certificate of Exemption for the Blind	08/92
(17)(26) DR-1214	Application for Temporary Tax Exemption Permit (r. 08/00 09/99)	_____ 06/00
(27) DCAEZ-001	Florida Department of Community Affairs Job Creation Annual Report (N. 01/89)	08/92

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00,_____.

12A-1.105 Service Warranties.
 (1) through (2)(b) No change.
 (c) If the person receiving consideration from the service warranty agreement holder is not the person issuing such warranty, then the issuer of the service warranty shall take from that person, in lieu of sales tax, a copy of that person's Annual Resale Certificate (form DR-13) certificate to the effect that the service warranty was purchased for resale, consistent with the requirements stated in Rule 12A-1.038, F.A.C.

(d) through (6) No change.
 Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(14)(a),(16), 212.0506, 212.054, 212.055, 212.06, 212.08(7)(v), 212.17, 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History--New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Newspapers, Magazines, and Periodicals	12A-1.008
Printing of Tangible Personal Property	12A-1.027
Sales to Persons Engaged in Printing	12A-1.028
The Printing of Promissory Notes, Securities and Checks	12A-1.030
The Printing of Lawyers' Briefs and Accountants' Reports	12A-1.031
Promotional Materials Exported from this State	12A-1.034
Information Services; Mailing Lists	12A-1.062

PURPOSE AND EFFECT: The purpose of the proposed substantial rewording of Rule 12A-1.008, F.A.C., Newspapers, Magazines, and Periodicals, is to: (1) remove provisions that have been rendered obsolete through statutory changes by the use of a substantial rewording of the rule text; (2) define the term "periodicals" to include newspapers, newsletters, magazines, and other periodicals, but to exclude books, whether published in serial form or otherwise; (3) provide guidelines for when sales of copies of periodicals, and sales of subscriptions to periodicals, are subject to tax; (4) provide guidelines for when a carrier that delivers newspapers for a publisher will be required to register as a dealer and collect tax; (5) provide guidelines for newspaper publishers that collect and remit tax on behalf of their carriers; (6) provide guidelines for the taxability of periodicals sold through rack machines; (7) provide guidelines for when inserts distributed with newspapers and magazines are exempt from tax; (8) provide that publications that are published on a regular basis, distributed free of charge, and whose content is primarily advertising, are exempt; (9) provide guidelines regarding the sale or distribution of periodicals by associations; and (10) provide guidelines for the taxability of materials, supplies, and publications that are either produced for sale by a publisher or used by the publisher.

The purpose of the proposed substantial rewording of Rule 12A-1.027, F.A.C., is to: (1) change the title to "Printing of Tangible Personal Property" to reflect the substantial changes to the rule provisions; (2) provide a definition of the term "printing" for purposes of this rule section; (3) provide that the sale of printed tangible personal property or graphic matter is subject to tax; (4) provide that charges for uncanceled postage that is separately stated are not subject to tax; (5) provide that any person who prints catalogs or other advertising materials that are distributed free of charge, in this state or outside this state, is required to pay tax on the cost of printing the materials; (6) incorporate the provisions of ss. 1 and 2, Chapter 2000-275, L.O.F., which provide that printers are not required to collect tax on printed materials that, based on the purchaser's order, are shipped to persons located within and outside Florida; (7) provide guidelines for when sales to a nonresident print purchaser for printing tangible personal property are not subject to tax; (8) incorporate the provisions of s. 1, Chapter 99-368, L.O.F. (creates s. 212.08(7)(fff) [now (aaa)], F.S.), which provides an exemption for film and other printing supplies used by businesses with certain SIC Code Numbers; (9) provide guidelines for the taxability of materials and supplies that become a part of the printed product for sale or that are used by the printer; (10) provide that selling printers who accept in good faith the required exemption certificates will not be held liable for any additional tax due; and (11) provide that printers are required to maintain the required certificates in their books and records.

The purpose of the proposed repeal of Rule 12A-1.028, F.A.C., Sales to Persons Engaged in Printing; Rule 12A-1.030, F.A.C., The Printing of Promissory Notes, Securities and Checks; and Rule 12A-1.031, F.A.C., Printing of Lawyers' Briefs and Accountants' Reports, is to remove rules that are redundant of the provisions regarding the printing of tangible personal property that will be provided in Rule 12A-1.028, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.034, F.A.C., is to: (1) change the title to "Promotional Materials Exported from this State" to reflect the changes made to the rule; (2) remove provisions regarding the advertising materials and printed matter that are obsolete; (3) incorporate the amendments to s. 215.26, F.S. (s. 10, ch. 94-314, L.O.F., and s. 10, ch. 99-239, L.O.F.), and the provisions of s. 213.255, F.S., created by s. 9, ch. 99-239, L.O.F. Section 215.26, F.S., provides that an application for refund of tax paid must be filed with the Department within 3 years after the date of payment of the tax. Section 213.255(3), F.S., provides that an application for a refund of tax paid will be considered complete when all requested information is received by the Department.

The purpose of the proposed amendments to Rule 12A-1.062, F.A.C., is to: (1) change the title to "Information Services; Mailing Lists," to reflect the proposed changes to the rule; (2) clarify the exemption provided for information services furnished to radio and television stations; (3) incorporate the ruling rendered by the circuit court in *SOM Publishing, Inc. v. Department of Revenue*, Fla. 15th Cir. Ct. 1998 (Case No. CL 97-004482), which held that a publication deemed by the Department to be a magazine should be treated the same as a newspaper for the purposes of purchasing photo services exempt from tax; (4) clarify that information services furnished to publishers of newspapers, magazines, and similar publications are exempt; (5) remove portions of the definition of "information services" that are not consistent with the provisions of s. 212.08(7)(v), F.S.; and (6) provide that the charge for information services, such as press clipping services, is exempt.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for public comment regarding these proposed amendments to Rule Chapter 12A-1, Sales and Use Tax.

SPECIFIC AUTHORITY: 212.06(3)(b)1., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 212.02(4), (14),(15),(16),(19),(20), 212.05(1), 212.0596(2)(j), 212.0598, 212.0515(1),(2), 212.06(1),(2),(3)(b),(5)(a),(9),(11),(16), 212.07(1),(2), 212.08(7)(o),(v),(w),(aaa), 212.18(3)(a), 212.183(6), 213.255(1),(2),(3), 213.37, 215.26(2) FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 at (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 RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.008 follows. See Florida Administrative Code for present text.)

12A-1.008 Newspapers, Magazines, and Periodicals.

(1) NEWSPAPERS, MAGAZINES, AND OTHER PERIODICALS.

(a) For purposes of this rule, the term "periodicals" includes newspapers, newsletters, magazines, and other periodicals, but excludes books, whether published in serial form or otherwise.

(b)1. The sale of copies of periodicals is subject to tax. The sale of subscriptions to periodicals that are delivered to the customer by a carrier or means other than by mail, such as home delivery, is subject to tax.

2. The sale of subscriptions to periodicals that are delivered to the subscriber by mail are exempt.

(c) When a publisher bills or invoices the consumer directly for copies of or subscriptions to periodicals for delivery other than by mail, the publisher is required to register as a dealer and collect and remit tax. (See Rule 12A-1.060, F.A.C.)

(d)1.a. When a publisher sells newspapers to its carriers and the carriers bill their customers and collect the payments, the publisher may elect to remit the applicable tax due for the carriers. The Department will authorize a publisher that uses carriers to sell its newspapers to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the carrier register as a dealer and remit the tax, if the publisher properly complies with the provisions of Rule 12A-1.0911, F.A.C., Self-Accrual Authorization.

b. A publisher that has elected to remit the tax due for its carriers may take a credit for the amount of tax paid on the uncollected charges for periodicals credited to the carrier's account. The publisher should obtain for its records a signed statement from the carrier indicating the uncollected amount of the retail sales price charged to its customers. (See Rules 12A-1.012 and 12A-1.014, F.A.C.)

c. For purposes of this rule, "carrier" means any independent contractor, agent, street news vendor, or other person distributing periodicals on their own account and not as an employee of the publisher.

2. Any person who purchases newspapers from a publisher that has not elected to remit the tax due as provided in subparagraph 1., is required to register as a dealer and collect and remit tax on the retail sales price of the newspaper. Dealers registered with the Department may extend a copy of their Annual Resale Certificate (form DR-13) to the publisher to purchase newspapers for resale tax exempt.

(2) PERIODICALS SOLD THROUGH RACK MACHINES.

(a) The sale of periodicals through rack machines is a sale of tangible personal property through vending machines, as defined in s. 212.0515(1), F.S., subject to tax at the rate established in s. 212.0515(2), F.S. A notice must be conspicuously displayed on the face of the rack machine that the purchase price of a copy includes sales tax.

1. If a rack machine is owned by a publisher and serviced by the publisher's employees, the publisher is required to remit tax on sales made through such machine.

2. If a rack machine is owned by a retail establishment and is serviced by the employees of that establishment, the retail establishment is required to remit tax on sales made through such machine.

3. If a rack machine is owned and serviced by a carrier of a publisher who has elected to remit tax for its carriers, as provided in paragraph (1)(d), the publisher is required to remit tax on sales made through such machine.

4. If a rack machine is owned and serviced by a carrier of a publisher that has not elected to remit tax for its independent carriers, the carrier is required to remit tax on sales made through such machine.

(b) Owners or operators of rack machines through which sales are made must obtain a separate Sales and Use Tax Certificate of Registration (form DR-11) for each county in which such machines are located. One Sales and Use Tax Certificate of Registration is sufficient for all the rack machines and devices within a single county. (See Rule 12A-1.060, F.A.C.)

(c) For guidelines on the purchase or repair of rack machines, see Rule 12A-1.044, F.A.C.

(d) When a rack machine is placed on location by the owner of the machine under a written agreement, the terms of the agreement will govern whether the lease is a lease or license to use tangible personal property or a lease or license to use real property. For guidelines on the purchase or lease of rack machines and the lease or license to use real property for the placement of rack machines, see Rule 12A-1.044, F.A.C.

(3) INSERTS DISTRIBUTED WITH NEWSPAPERS AND MAGAZINES.

(a) Inserts, such as magazines, handbills, circulars, flyers, advertising supplements, and other printed materials distributed with a newspaper or magazine are a component part of the newspaper or magazine.

(b) Inserts are exempt from tax when:

1. The inserts are either printed by the newspaper or magazine publisher or delivered directly to the publisher by any other printer for inclusion in a distributed newspaper or magazine;

2. The inserts are labeled as part of the designated newspaper or magazine in the masthead, logo, gang logo, or supplement line of the newspaper or magazine to which they are inserted; and

3. When the inserts are not printed by the publisher distributing the newspaper or magazine, the publisher presents a copy of the publisher's Annual Resale Certificate (form DR-13), as provided in Rule 12A-1.039, F.A.C., to the printer.

(4) PUBLICATIONS EXEMPT FROM TAX.

(a) Publications that meet the following requirements are exempt from tax:

1. The publication is published on a regular basis;

2. The publication is distributed free of charge by mail; home delivery, rack machines, newsstands, or similar method; and

3. The content of the publication is primarily advertising.

(b) Distributors of tax exempt publications may issue an exemption certificate to their vendors in lieu of paying tax on the publishing or printing costs of, or for the purchase of items, such as paper and ink, that are incorporated into and become a component part of, the publication.

(5) PERIODICALS SOLD OR DISTRIBUTED BY ASSOCIATIONS.

(a) Periodicals or other publications that are provided by an association to its members for a charge that is separate and apart from the payment of membership dues are considered to be sold by the association. If an association indicates on its dues invoices or membership billing statements that a specified portion of the dues payment by the member is attributed to a periodical subscription, the amount specified for the subscription constitutes a sale of a subscription to the specified periodical.

(b) The charge for copies of publications, and subscriptions to periodicals that are not delivered to the purchaser by mail, are subject to tax. However, charges for subscriptions to periodicals that are delivered by mail to the member are exempt, whether the charge for such subscription is separately stated or included in the members' dues.

(c) Associations that make taxable sales of copies of publications and of subscriptions to periodicals are required to register with the Department, and collect and remit the applicable tax on such sales. (See Rule 12A-1.060, F.A.C.) Associations may issue a copy of their Annual Resale Certificate to their vendors in lieu of paying tax on the publishing or printing costs of, or for the purchase of items, such as paper and ink, that are incorporated into and become a component part of, a publication that is sold to its members.

(d) 1. An association that publishes a periodical or other publication for distribution to its members is not selling such publications when:

a. each member is entitled to receive the publication in return for payment of dues; and

b. there is no charge made for the publication separate and apart from the payment of membership dues.

2. The purchase of printing or the cost of producing such publications by the association is subject to tax. If the association prints or otherwise produces the publication itself, it is required to pay tax on such publications, as provided in s. 212.06(16), F.S.

(6) MATERIALS, SUPPLIES, AND PUBLICATIONS USED BY A PUBLISHER.

(a) The purchase of materials and supplies, which become a component part of a newspaper, newsletter, magazine, periodical or similar publication for resale, is exempt from the tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder that is used to speed the drying of ink on printed matter.

(b) The purchase of items and materials used one time only for packaging publications, without which the delivery of the publication would be impractical, or for the convenience of the customer, is exempt. Examples of such packaging materials are: boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.

(c) The purchase of expendable materials, supplies, and other items that do not become a component part of, or accompany, the publication for sale is subject to tax. Examples of such items are: rosin paste, gummed paste, flash bulbs, felt packing, art supplies, photographs, engravings, cuts, mats, mat services, chemicals and additives used for processing printed materials, chemicals used as cleaning agents or detergents, blankets, rollers, matrix, wire machines, and other production and packaging equipment.

(d) The purchase, production, or creation of film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives used in producing publications for sale is subject to tax. When such items are manufactured, produced, compounded, processed, fabricated, or created by the publisher for his or her own use, the publisher shall pay tax on the cost price of such items. See Rule 12A-1.043, F.A.C. For the tax exemption provided for the purchase, production, or creation of these items to printers whose business is classified in the Standard Industrial Classification (SIC) Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President, as SIC Industry Numbers 275, 276, 277, 278, or 279, see Rule 12A-1.027, F.A.C.

(e) The use by the publisher of a newspaper, magazine, or periodical of copies for his or her own consumption or to be given away is taxable at the usual retail price thereof, if any, or at the cost price, as defined in s. 212.06(16), F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), ~~212.034~~, 212.05(1)(a),(b),(h),(e)-(f),(i), 212.054, 212.0515(1),(2), 212.06(1)(a),(b),(9),(16), 212.07(1),(2), 212.08(7)(o),(v),(w),(aaa), 212.18(3)(a) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Formerly 12A-1.08, Amended 4-22-86, 12-13-88, 1-30-91, 3-17-94, 3-20-96,_____.

(Substantial Rewording of Rule 12A-1.027 follows. See Florida Administrative Code for present text.)

12A-1.027 Sales by Persons Engaged in Printing of Tangible Personal Property.

(1) "Printing" is the transfer of an image or images by the use of ink, paint, dyes, or similar substrate from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. "Printing" includes the process of and the materials used in binding. "Printing" also includes reproducing an image or images from an original substrate through the electrophotographic, xerographic, laser, or offset process, or a combination of these processes, by which an operator can make more than one copy without handling the original, such as that used to reproduce publications.

(2)(a) The sale of printed tangible personal property or graphic matter is subject to tax. All charges to the consumer for materials, for the production or fabrication of items used, and for binding and finishing the printed property or graphic matter for distribution are subject to tax, even when such charges are separately stated on an invoice, customer bill, or other tangible evidence of sale.

(b) Charges for uncanceled postage that are separately stated on a customer's invoice, bill, or other tangible evidence of sale are not subject to tax.

(3) The charge for printing or imprinting items provided by the customer to the printer is subject to tax.

(4)(a) When a printer located in Florida agrees, as part of the purchaser's order, to deliver printed materials to the United States Postal Service for mailing, it is presumed that all materials printed at the Florida facility are mailed to persons located within Florida, and the printer must collect tax on the sale of printed materials.

(b)1. A printer is relieved of the responsibility of collecting tax on the sale of printed materials when the purchaser provides the printer a signed certificate which certifies that:

a. based on the designated print order, the printer is to deliver the printed materials to the United States Postal Service for mailing, at least in part, to persons, other than the purchaser, located outside Florida; and

b. the purchaser understands that, as a result of the issuance of the certificate, the purchaser must pay sales or use tax directly to the Department for all printed materials in the stated order that are mailed to persons located within Florida.

2. The purchaser is obligated to pay use tax directly to the Department of Revenue when, based on the order provided to the printer, more than an unsubstantial part of the printed matter is delivered by the printer to the United States Postal Service to be mailed to persons located outside Florida. If the purchaser is a registered dealer, the tax due may be reported and paid on the dealer's sales and use tax return. If the purchaser is not required to register as a dealer under the provisions of Rule 12A-1.060, F.A.C., the use tax may be

reported and paid on a Mail Order/Use Tax Return (form DR-15MO, incorporated by reference in Rule 12A-1.097, F.A.C.).

(c) The following is a suggested format of an exemption certificate to be completed by the purchaser and presented to the selling printer (dealer) at the time of sale:

EXEMPTION CERTIFICATE
PRINTED MATERIALS TO BE MAILED PARTLY
OUTSIDE FLORIDA

_____ (Name of Purchaser of Printed Materials) certifies that he or she has placed an order, dated or numbered or otherwise described as follows:

_____ with _____ (Name of Printing Facility) for the printing of certain materials, and as a part of that order the Printing Facility has agreed to deliver the printed materials to the United States Postal Service for mailing to an agreed list of persons.

The above-named Purchaser further certifies that, based on the mailing list, more than an unsubstantial part of the printed materials will be mailed to persons located outside Florida.

The Purchaser understands that, as a result of this certification, the Printing Facility has no obligation to collect any sales or use tax for the printed materials from the Purchaser, and that the Purchaser must pay sales or use tax directly to the Department of Revenue for all printed materials in the above order that are mailed to persons located within Florida. Such tax is due on the first day of the month following the sale of the materials and is delinquent on the 21st day of that month.

Under the penalties of perjury, I declare that I have read the foregoing Exemption Certificate for Printed Material to be Mailed Partly Outside Florida, and the facts stated in it are true.

_____ Purchaser's Name (Print or Type) _____ Florida Sales Tax Number (if registered)

_____ Signature and Title _____ Date

_____ Federal Employer Identification Number (F.E.I.) or Social Security Number _____ Telephone Number

(Form to be retained in Printing Facility's records)

(5)(a) Sales to a nonresident print purchaser for printing of tangible personal property are not subject to tax. A "nonresident print purchaser" is an out-of-state purchaser who is not required to be registered with the Department as a dealer under the provisions of s. 212.0596(2), F.S., and is purchasing printing of tangible personal property in this state. The nonresident print purchaser is required to furnish to the selling printer (dealer), at the time of sale, a certificate stating that the

printed material purchased will be resold by the nonresident print purchaser and that the nonresident print purchaser is not required to register as a dealer with the Department under the provisions of s. 212.0596(2), F.S.

(b) The following is a suggested format of an exemption certificate to be completed by the nonresident print purchaser and presented to the selling printer (dealer) at the time of sale:

EXEMPTION CERTIFICATE
PRINTED MATERIAL PURCHASED BY A
NONRESIDENT PURCHASER

Name of Printer: _____
Address of Printer: _____ (Street)
_____ (City) _____ (State)

This is to certify that all tangible personal property purchased after _____ (date) by the undersigned purchaser of printed material, who is not a dealer required to obtain a certificate of registration with the Florida Department of Revenue under the provisions of s. 212.0596(2), F.S., from the above named Florida printer, is printed material purchased for resale by the undersigned print purchaser and for no other purpose.

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

Name of Nonresident Print Purchaser: _____
Address of Purchaser: _____ Street
_____ (City) _____ (State)
Federal Identification Number: _____

(Signature of Authorized Representative) Date

This certificate shall be considered a part of each order the Print Purchaser gives to the printer named above.

(6)(a) The purchase of materials and supplies that become a component part of printed matter for resale is exempt from the tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder that is used to speed the drying of ink on printed matter.

(b)1. The purchase, production, or creation of film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives used in producing graphic matter for sale by printers is exempt if the printer's business is classified in the Standard Industrial Classification (SIC) Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President, by one of the following classifications:

- a. SIC Industry Number 275, Commercial Printing;
- b. SIC Industry Number 276, Manifold Business Forms;
- c. SIC Industry Number 277, Greeting Cards;
- d. SIC Industry Number 278, Blankbooks, Looseleaf Binders, and Bookbinding and Related Work;
- e. SIC Industry Number 279, Service Industries for the Printing Trade.

2. The purchaser must extend an exemption certificate to the selling dealer to purchase tax exempt the items provided in paragraph (a). The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE
PURCHASES OF FILM AND OTHER PRINTING
SUPPLIES

(Purchaser's Name) certifies that the film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and/or negatives purchased on or after _____ (date) will be used to produce graphic matter for sale.

(Purchaser's Name) further certifies that its four-digit SIC Industry Number is classified under SIC Industry Group Number 275, 276, 277, 278, or 279, as contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

The undersigned understands that if such film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and/or negatives do not qualify for exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Purchaser's Name (Print or Type)	Florida Sales Tax Number
Signature and Title	Date
Federal Employer Identification Number (F.E.I.) or Social Security Number	Telephone Number

3. Any person who prints or publishes tangible personal property that does not meet the requirements of this paragraph must pay tax on such items.

(c) The purchase of items and materials used one time only for packaging printed matter, without which the delivery of the matter would be impractical, or for the convenience of the customer, is exempt. Examples of such packaging materials are: boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.

(d) The purchase of expendable materials, supplies, and other items that do not become a component part of, or accompany, the printed matter for sale is subject to tax. Examples of such items are: rosin paste, gummed paste, flash bulbs, felt packing, art supplies, photographs, engravings, cuts,

mats, mat services, chemicals and additives used for processing printed materials, chemicals used as cleaning agents or detergents, blankets, rollers, matrix, wire machines, and other production and packaging equipment.

(7)(a) Selling printers (dealers) who accept in good faith the certificates required to be obtained from the purchaser will not be assessed tax on their sales of printed materials to that purchaser. The Department will look solely to the purchaser for any additional tax due.

(b) The selling printer (dealer) is required to maintain the certificates required to be obtained by the seller from the purchaser until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 212.06(3)(b) FS. Law Implemented 92.525(1)(b),(3), 212.02(14),(15)(c),(19), 212.0596(2)(j), 212.06(2),(3)(b),(5)(a), 212.08(7)(aaa), 213.37 FS. History-Revised 10-7-68, 6-16-72, Amended 5-18-74, Formerly 12A-1.27, Amended 5-18-94, _____.

12A-1.028 Sales to Persons Engaged in Printing.

~~(1) The purchase by a printer, including publishers of newspapers, magazines, periodicals, etc., of materials and supplies which become a component of the printed matter for resale, are exempt from the tax. Examples of such items are: paper stock, including newsprint; printer's ink; and dry spray powder, which is used by printers in speeding up the drying process of ink on printed matter.~~

~~(2) Photo and news services are exempt.~~

~~(3) Items for packaging tangible personal property for sale, which actually accompany the product sold to the customer without which the delivery of the product is impractical on account of the character of the contents and for which there is no separate charge are exempt. Examples of such items are: Boxes, cans, mailing and wrapping paper, wax and plastic bags, twine, wire and steel band material, and shipping tags.~~

~~(4) The following items are taxable: Rosin paste, gummed paste, paste labels (except address labels), flash bulbs, felt packing, film, zinc, photographic paper, art supplies, photographs, engravings, cuts, mats, mat services, art works, typography, chemicals used in processing printing and also chemicals used as cleaning agents or detergents, metals, including additives, blankets, rollers, wire machines and other packaging equipment, matrix and other printing plant production equipment.~~

~~(5) A printer who purchases, fabricates or produces expendable items of tangible personal property such as engravings, cuts, mats, art work, typography, photographs, perforating tape, printing plates, etc., for use in producing newspapers, magazines, or periodicals for sale or in processing a customer's engraving or printing order but which items themselves do not become an ingredient or component part of the finished product, is construed to be the consumer of such items and shall pay the tax on his cost thereof. When the printer purchases such expendable items, the entire purchase~~

~~price is subject to the tax. When he produces or fabricates such expendable items himself, his fabrication labor is not taxable but he shall pay the tax on the cost of the materials and supplies that he uses in the production or fabrication thereof. However, if by terms of the sales agreement, the printer agrees to sell such expendable items to his customer for an amount equal to or greater than his cost of the items and the printer separately bills his customer therefore and collects the tax thereon, in addition to the charge that he makes to the customer for the printing order, the printer is not the consumer of such items and is not liable for tax on his cost of the items sold.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c) FS. History-Revised 10-7-68, 6-16-72, Amended 1-19-74, Formerly 12A-1.28, Repealed _____.

12A-1.030 The Printing of Promissory Notes, Securities and Checks.

~~The printing of promissory notes, securities, evidences of debts, evidence of intangible rights, checks, bills of exchange and drafts is deemed the printing of tangible personal property and is taxable.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14),(15), 212.08(7)(v) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.30, Repealed _____.

12A-1.031 The Printing of Lawyers' Briefs and Accountants' Reports.

~~The printing of lawyers' briefs, accountants' reports or other representations of professional services is deemed the printing of tangible personal property and is taxable.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(15) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.31, Repealed _____.

12A-1.034 ~~Direct Mail Advertising Matter, Handouts, Throw-Aways, Circulars, and Promotional Materials~~ Exported from this State.

~~(1) Upon final sales to ultimate consumers of direct mail advertising pieces, circulars, hand-outs, throw-aways and similar advertising matter, the dealer shall collect the sales tax upon the selling price thereof from his purchaser.~~

~~(2) Advertising pieces, circulars, hand-outs and similar advertising matter are taxable.~~

~~(3) A printer (dealer) who operates a printing plant in which printed matter is manufactured for his own consumption, or for use in connection with fulfilling contracts, is taxable upon all materials going into the manufactured product. Costs of labor, power and other plant expenses incurred with respect to such items of tangible personal property are taxable.~~

~~(4) Although a publication may contain matters of general interest and reports of current events, it does not necessarily constitute a newspaper.~~

~~(1)(5)(a)~~ Promotional materials as defined in s. 212.06(11)(b), F.S., which are sold, purchased, imported, used, manufactured, fabricated, processed, printed, imprinted, assembled, distributed, or stored in this state after July 1, 1987, and are subsequently exported outside this state are exempt from sales tax.

~~(2)(b)~~ Any dealer who has ~~on or after July 1, 1992,~~ incurred use tax on the use in this state of promotional materials, as defined in s. 212.06(11)(b), F.S., may apply for a refund of tax paid on the promotional materials which are subsequently exported outside this state only when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department on publications sold in this state. The dealer purchasing and distributing the promotional materials for promoted subscriptions and the seller of the promoted subscriptions to publications are not required to be the same person.

~~(3)(e)~~ Any dealer who is unable to determine at the time of purchase of promotional materials whether the promotional materials will be used in this state or exported from this state may also make a request in writing to the Department to obtain written consent from the Department to assume the obligation of self-accruing and remitting directly to the state the tax due on taxable purchases of promotional materials, as defined in s. 212.06(11)(b), F.S., only when the seller of the promoted subscriptions to publications sold in this state is a registered dealer and is remitting sales tax to the Department on publications sold in this state. (See Rule 12A-1.0911, F.A.C.)

~~(4)(d)~~ For purposes of this ~~rule subsection~~, "promotional materials," as defined in s. 212.06(11)(b), F.S., includes tangible personal property that is given away or otherwise distributed to promote the sale of a subscription; written or printed advertising material, direct-mail literature, correspondence, written solicitations, renewal notices, and billings for sales connected with or to promote the sale of a subscription to a publication; and the component parts of each of these types of promotional materials.

~~(5)(e)~~ A claim for exemption as provided in this ~~rule subsection~~ shall not be denied on the basis that the exportation process was not continuous and unbroken, that a separate consideration was not charged for the promotional materials so exported, or that the taxpayer kept, retained, or exercised any right, power, dominion, or control over the promotional materials before transporting them from the state or for the purpose of subsequently doing so.

~~(6)(f)1-~~ To receive a refund of tax paid to the Department for promotional materials, the dealer must file an Application for Refund ~~from the State of Florida (form Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.)~~ within 3 years after the date the tax was paid in accordance with the timing provisions of s. 215.26(2), F.S. Applications for Refund from the State of Florida (Form DR-26) are available by: 1) ~~writing the Florida Department of Revenue, Forms~~

~~Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331. However, an application for refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved, before the date the promotional materials are exported from this state.~~

~~2. The right to a refund of taxes paid pursuant to this subsection shall accrue when both the tax has been paid and the promotional materials are exported from this state.~~

~~3. Applications for refunds shall be filed within 3 years after the right to refund accrues or else such right shall be barred.~~

~~(a)4-~~ When the dealer's claim for refund ~~under this subsection~~ has been approved, the amount refunded will be the amount of use tax paid by the dealer on promotional materials that were subsequently exported from this state.

~~(b)5-~~ Such use tax shall be refunded whether or not the dealer who paid the tax has been granted self-accrual authorization. See Rule 12A-1.0911, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091, 212.02(4),(14),(16),(20), 212.06(1)(b),(11), 212.183(6), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.34, Amended 5-19-93, 11-16-93, _____.

12A-1.062 Information Services; Mailing Lists.

(1) No change.

(2) Information services furnished to newspapers and radio and television stations are exempt.

(3) "Information services Services" means and includes the services of collecting, compiling or analyzing information of any kind of nature, or furnishing reports thereof to other persons. The charge for furnishing information services, such as newsletters, tax guides, research publications, and other written reports of compiled information, ~~which are not produced for and provided exclusively to a single customer,~~ is taxable.

~~(4) The charge for news research and information services, such as press clipping services, is exempt, even though the charge may be based on the number of clippings provided and the per clipping charge may be separately stated from the charge for providing the research and information service.~~

~~(5) The sale of mailing lists provided to the purchaser in printed form or on tape cartridges or diskettes is subject to tax.~~

(4) through (5) renumbered (6) through (7) No change.

~~Cross Reference Rule 12A-1.001(17), F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.06(1), 212.08(7)(v) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.62, Amended 9-14-93,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
New Tire Fee	12A-12.001
Battery Fee	12A-12.0011
Reporting and Remitting Fees	12A-12.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-12.001, F.A.C. (New Tire Fee), and 12A-12.0011, F.A.C. (Battery Fee), is to provide that the terms “resale certificate,” “sales tax resale certificate,” or “certificate,” mean “an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale as provided in Rule 12A-1.039, F.A.C.”

The purpose of the proposed amendments to Rule 12A-12.004, F.A.C. (Reporting and Remitting Fees), is to: (1) provide that a Solid Waste and Surcharge Return (form DR-15SW) and payment accompanying the return is due to the Department, as provided in Rule 12A-1.056, F.A.C.; (2) incorporate the May 1999 revisions to form DR-15SW; and (3) make a technical change to an address where a form may be obtained and to correctly reference subsection (8) of Rule 12A-1.056, F.A.C., effective April 2, 2000.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for the public comment regarding these proposed amendments to Rules 12A-12.001, 12A-12.0011, and 12A-12.004, F.A.C.

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

LAW IMPLEMENTED: 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 at (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 RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-12.001 New Tire Fee.

(1) through (4) No change.

(5) For purposes of this rule:

(a) through (d) No change.

(e) The term “sales tax resale certificate” or “certificate” means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale.

(e) through (g) renumbered (f) through (h) No change.

(6) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b) FS. Law Implemented 403.717, 403.718 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 3-20-96,_____.

12A-12.0011 Battery Fee.

(1) through (5) No change.

(6) For purposes of this rule:

(a) through (b) No change.

(c) The term “resale certificate” or “sales tax resale certificate” means an Annual Resale Certificate (form DR-13) issued by a dealer to make tax exempt purchases for the purposes of resale.

(c) through (e) renumbered (d) through (f) No change.

(7) through (8) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.7185(3)(b) FS. Law Implemented 403.717(1)(b),(h), 403.7185 FS, ss. 1-2, ch. 99-281, L.O.F. History—New 10-16-89, Amended 12-16-91, 3-20-96, 4-2-00,_____.

12A-12.004 Reporting and Remitting Fees.

(1) No change.

(2)(a) A Solid Waste and Surcharge Return, form Form DR-15SW, reporting new tires and lead-acid batteries sold at retail shall be filed with the Department. The payment and the return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of the month fees shown by the return to be due shall be paid therewith on or before the twentieth day of the month following the date of month in which the retail sale, as provided in Rule 12A-1.056(1), F.A.C. occurred.

(b) The Solid Waste and Surcharge Return, form Form DR-15SW (r. 05/99), dated October 1994, is hereby incorporated by reference in this rule. Copies of this form are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated

Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

~~(b) A Solid Waste and Surcharge Return, Form DR-15SW, reporting new tires and lead acid batteries sold at retail shall be filed with the Department for each month during which the person owing a new tire fee or a battery fee was registered. The new tire and battery fees shown by the return to be due shall be paid therewith on or before the twentieth day of the month following the calendar month in which the retail sales of a new tire or a lead acid battery occurred.~~

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

~~(3) Requirements of Rule 12A-1.056(1), F.A.C., for timely filing and payment are applicable to such fees.~~

(4) through (5) renumbered (3) through (4) No change.

~~(5)(6)~~ As stated in Rule 12A-1.056(8)(9), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the fees; and the consequences described in that subsection are applicable to the fees.

(7) through (8) renumbered (6) through (7) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 403.718, 403.7185 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, 4-2-00,

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Surtax Sales Brackets	12A-15.002
Imposition and Payment of Tax	12A-15.003
The Sale of Food, Drink, and Tangible	
Personal Property at Concession Stands	12A-15.010
Coin-Operated Amusement and Vending	
Machines, and Other Devices	12A-15.011
Alcoholic and Malt Beverages	12A-15.012
Public Use Forms	12A-15.015

PURPOSE AND EFFECT: The purpose of the proposed substantial rewording of Rule 12A-15.002, F.A.C., is to: (1) change the title to "Surtax Sales Brackets" to reflect the substantial rewording of the rule text; (2) provide the effective sales tax brackets for transactions taxable at the rates of 2.5%, 6%, and 7% for counties that impose discretionary sales surtaxes at the rates of 1/2%, 3/4%, 1%, and 1 1/2% that are required by s. 212.12(11), F.S., as amended by s. 1, Chapter 2000-276, L.O.F.; (3) provide for easier reading of the sales tax brackets; and (4) remove the requirement to certify forms containing the sales tax brackets.

The purpose of the proposed amendments to Rule 12A-15.003, F.A.C., Imposition and Payment of Tax, is to: (1) provide current guidelines and incorporate statutory changes regarding the sale of newspapers, magazines, and other periodicals; and (2) remove the itemization of services that are subject to sales tax and to discretionary sales surtax.

The purpose of the proposed amendments to Rule 12A-15.010, F.A.C., is to: (1) change the title to "The Sale of Food, Drink, and Tangible Personal Property at Concession Stands"; (2) simplify the guidelines provided for sales made by concessionaires; (3) clarify the method used to calculate tax and surtax due on sales made at concession stands; and (4) provide the applicable divisor rates for counties imposing no surtax and counties imposing discretionary sales surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C., Coin-Operated Amusement and Vending Machines, and Other Devices, is to: (1) simplify the guidelines for reporting discretionary sales surtax due on charges for amusement machines; (2) provide the applicable surtax reporting divisors for counties imposing no surtax and counties imposing surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%; and (3) provide that the statutory tax reporting divisors for sales of food, beverages, and tangible personal property made through vending machines or other dispensing devices located in counties imposing a discretionary sales surtax are provided in s. 212.0515(2), F.S.

The purpose of the proposed amendments to Rule 12A-15.012, F.A.C., Alcoholic and Malt Beverages, is to: (1) simplify guidelines to taxpayers who sell alcoholic and malt beverages as package goods, mixed drinks, or a combination thereof; and (2) provide current tax reporting rates and divisors for counties imposing no discretionary surtax and counties imposing surtax at the rates of 1/2%, 3/4%, 1%, and 1 1/2%.

The purpose of the proposed amendments to Rule 12A-15.015, F.A.C., is to: (1) change the title to "Public Use Forms"; (2) remove forms that do not meet the definition of a "rule," as defined by s. 120.52(15), F.S., and are not required to be incorporated by reference; (3) provide a technical change to the Department's Internet address.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for the public to comment on the proposed amendments to Rules 12A-15.002, 12A-15.003, 12A-15.010, 12A-15.011, 12A-15.012, and 12A-15.015, F.A.C., regarding: (1) the effective sales tax rates for counties that impose a discretionary sales surtax; (2) surtax divisors to be used to calculate tax and surtax due on sales made by concessionaires and for charges for the use of amusement machines; (3) the effective surtax rates and divisors for taxpayers who sell alcoholic and malt beverages as package goods, mixed drinks, or a combination

thereof; (4) the application of surtax to the sale of subscriptions to publications; and (5) the removal of the incorporation by reference to forms providing the effective sales surtax brackets. SPECIFIC AUTHORITY: 212.05(1)(i), 212.0515, 212.07(2), 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(16),(24), 212.05(1), 212.0506, 212.0515, 212.054, 212.055, 212.06(1),(4),(7),(9),(10), 212.07(2),(4),(9), 212.08(4), 212.12(9),(10),(11), 212.15(1),(4), 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from the person listed below.

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 at (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 RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-15.002 follows. See Florida Administrative Code for present text.)

12A-15.002 ~~Rate of Surtax~~ Sales Brackets.

(1) SALES GREATER THAN \$5,000. On taxable transactions in which the sales price for any item of tangible personal property exceeds \$5,000, the first \$5,000 of sales price is subject to the appropriate bracket charges as provided in this rule section. The amount of sales price in excess of \$5,000 for any item of tangible personal property is taxed at 6%.

(2) 1/2% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 13¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
.10 - .15	.01	1.08 - 1.23	.08
.16 - .30	.02	1.24 - 1.38	.09

.31 - .46	.03	1.39 - 1.53	.10
.47 - .61	.04	1.54 - 1.69	.11
.62 - .76	.05	1.70 - 1.84	.12
.77 - .92	.06	1.85 - 2.09	.13
.93 - 1.07	.07		

(b) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 15¢ is to be charged on each \$2 dollar of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
.10 - .13	.011	.07 - 1.20	.09
.14 - .26	.021	.21 - 1.33	.10
.27 - .40	.031	.34 - 1.46	.11
.41 - .53	.041	.47 - 1.60	.12
.54 - .66	.051	.61 - 1.73	.13
.67 - .80	.061	.74 - 1.86	.14
.81 - .93	.071	.87 - 2.09	.15
.94 - 1.06	.08		

(c) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 3% percent is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax
.10 - .35	.01
.36 - .65	.02
.66 - 1.00	.03

(3) 3/4% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.03, 7¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
.10 - .14	.01	.60 - .74	.05
.15 - .29	.02	.75 - .88	.06
.30 - .44	.03	.89 - 1.03	.07
.45 - .59	.04		

(b) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.03, 8¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
.10 - .12	.01	.52 - .64	.05
.13 - .25	.02	.65 - .77	.06

<u>.26 – .38</u>	<u>.03</u>	<u>.78 – .90</u>	<u>.07</u>
<u>.39 – .51</u>	<u>.04</u>	<u>.91 – 1.03</u>	<u>.08</u>

(c) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$4.09, 13¢ is to be charged on each \$4 of price, plus the tax amount due on any fractional part of \$4.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .30</u>	<u>.012</u>	<u>.16 – 2.46</u>	<u>.08</u>
<u>.31 – .61</u>	<u>.022</u>	<u>.47 – 2.76</u>	<u>.09</u>
<u>.62 – .92</u>	<u>.032</u>	<u>.77 – 3.07</u>	<u>.10</u>
<u>.93 – 1.23</u>	<u>.043</u>	<u>.08 – 3.38</u>	<u>.11</u>
<u>1.24 – 1.53</u>	<u>.053</u>	<u>.39 – 3.69</u>	<u>.12</u>
<u>1.54 – 1.84</u>	<u>.063</u>	<u>.70 – 4.09</u>	<u>.13</u>
<u>1.85 – 2.15</u>	<u>.07</u>		

(4) 1% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 7¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .14</u>	<u>.01</u>	<u>.58 – .71</u>	<u>.05</u>
<u>.15 – .28</u>	<u>.02</u>	<u>.72 – .85</u>	<u>.06</u>
<u>.29 – .42</u>	<u>.03</u>	<u>.86 – 1.09</u>	<u>.07</u>
<u>.43 – .57</u>	<u>.04</u>		

(b) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 8¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>10 – .12</u>	<u>.01</u>	<u>.51 – .62</u>	<u>.05</u>
<u>13 – .25</u>	<u>.02</u>	<u>.63 – .75</u>	<u>.06</u>
<u>26 – .37</u>	<u>.03</u>	<u>.76 – .87</u>	<u>.07</u>
<u>38 – .50</u>	<u>.04</u>	<u>.88 – 1.09</u>	<u>.08</u>

(c) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$2.09, 7¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>10 – .28</u>	<u>.011</u>	<u>.15 – 1.42</u>	<u>.05</u>
<u>29 – .57</u>	<u>.021</u>	<u>.43 – 1.71</u>	<u>.06</u>
<u>58 – .85</u>	<u>.031</u>	<u>.72 – 2.09</u>	<u>.07</u>
<u>86 – 1.14</u>	<u>.04</u>		

(5) 1 1/2% DISCRETIONARY SALES SURTAX.

(a) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 15¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .13</u>	<u>.011</u>	<u>.07 – 1.20</u>	<u>.09</u>
<u>.14 – .26</u>	<u>.021</u>	<u>.21 – 1.33</u>	<u>.10</u>
<u>.27 – .40</u>	<u>.031</u>	<u>.34 – 1.46</u>	<u>.11</u>
<u>.41 – .53</u>	<u>.041</u>	<u>.47 – 1.60</u>	<u>.12</u>
<u>.54 – .66</u>	<u>.051</u>	<u>.61 – 1.73</u>	<u>.13</u>
<u>.67 – .80</u>	<u>.061</u>	<u>.74 – 1.86</u>	<u>.14</u>
<u>.81 – .93</u>	<u>.071</u>	<u>.87 – 2.09</u>	<u>.15</u>
<u>.94 – 1.06</u>	<u>.08</u>		

(b) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 17¢ is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

<u>Amount of Sale</u>	<u>Tax</u>	<u>Amount of Sale</u>	<u>Tax</u>
<u>.10 – .11</u>	<u>.01</u>	<u>1.10 – 1.17</u>	<u>.10</u>
<u>.12 – .23</u>	<u>.02</u>	<u>1.18 – 1.29</u>	<u>.11</u>
<u>.24 – .35</u>	<u>.03</u>	<u>1.30 – 1.41</u>	<u>.12</u>
<u>.36 – .47</u>	<u>.04</u>	<u>1.42 – 1.52</u>	<u>.13</u>
<u>.48 – .58</u>	<u>.05</u>	<u>1.53 – 1.64</u>	<u>.14</u>
<u>.59 – .70</u>	<u>.06</u>	<u>1.65 – 1.76</u>	<u>.15</u>
<u>.71 – .82</u>	<u>.07</u>	<u>1.77 – 1.88</u>	<u>.16</u>
<u>.83 – .94</u>	<u>.08</u>	<u>1.89 – 2.09</u>	<u>.17</u>
<u>.95 – 1.09</u>	<u>.09</u>		

(c) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 4¢ is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

<u>Amount of Sale</u>	<u>Tax</u>
<u>10 – .25</u>	<u>.01</u>
<u>26 – .50</u>	<u>.02</u>
<u>51 – .75</u>	<u>.03</u>
<u>76 – 1.09</u>	<u>.04</u>

(6) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties imposing a discretionary sales surtax. Copies are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4)

visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at <http://sun6.dms.state.fl.us/dor/taxes>. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Specific Authority 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.12(9),(10),(11) FS. History—New 12-11-89, Amended 8-10-92, 3-17-93, 12-13-94, 3-20-96.

12A-15.003 Imposition and Payment of Tax.

(1) All transactions occurring in a county imposing the surtax which are subject to the state tax imposed on sales, use, rentals, admissions, services, and other transactions by Chapter 212, F.S., are subject to the surtax. ~~Effective January 1, 1994, services which are subject to the state tax imposed by Chapter 212, F.S., are subject to the surtax. These services include detective, burglar protection, and other protection services, nonresidential cleaning and nonresidential pest control services.~~

(2) through (4) No change.

(5)(a) ~~The~~ A sale of subscriptions to a newspaper, magazine, or newsletter that is delivered to the purchaser by a carrier or means other than by mail, such as home delivery, a subscription or copy of a newspaper, magazine, or other publication is subject to a county's surtax if the publication is delivered to a purchaser located in a county imposing a surtax, regardless of the physical location of the carrier or publication company. The sale of subscriptions to a newspaper, magazine, or newsletter that is delivered to a customer by mail is not subject to the surtax.

1. Example: A carrier or retailer that is registered to collect tax on the sale of newspapers is located in a county that does not impose the surtax and a newspaper it sells is delivered by a carrier into another county imposing the 1% surtax. Tax is due at the rate of 7% (6% state sales tax and 1% surtax).

2. Example: A carrier or retailer that is registered to collect tax on the sale of newspapers is located in a county that imposes a 1/2% surtax and a newspaper it sells is delivered by a carrier into another county imposing the 1% surtax. Tax is due at the rate of 7% (6% state sales tax and 1% surtax).

3. Example: A retailer that is registered to collect tax on the sale of magazines is located in a county that imposes a 1% surtax and a magazine it sells is delivered by means other than by mail into a county not imposing the surtax. Tax is due at the rate of 6% (6% state sales tax; no surtax is due).

(b) ~~A dealer who purchases a newspaper, magazine, or other publication, and did not pay sales tax, either because the vendor was located outside this state or for any other reason, but uses the publication in a county imposing the surtax, the purchasing dealer is required to accrue and remit not only the state use tax but also the county's surtax as a use tax. A~~

~~Likewise, a dealer who owes use tax on newspapers, magazines, or other publications it produces for its own use or purchases without paying the applicable sales tax due, is required to accrue and remit not only the state use tax and but also the surtax of the county in which it uses the publications.~~

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.06(1),(4),(7),(8),(10), 212.07(8)(9), 212.18(3) FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96.

12A-15.010 The Sale of Food, Drink, and Tangible Personal Property at ~~by~~ Concession Stands.

(1)(a) ~~Concessionaires~~ Concession stands in a county levying the surtax at the rate of 1 1/2% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, may calculate tax due for counties imposing a surtax as follows: shall remit tax at the rate of 7.95% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0795 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 7.95% rate recognizes the variations resulting from multiple sales transactions.

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

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

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

<u>Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.0659</u>
<u>1/2%</u>	<u>1.0697</u>
<u>3/4%</u>	<u>1.0724</u>
<u>1%</u>	<u>1.0751</u>
<u>1 1/2%</u>	<u>1.0795</u>

(2) ~~Concession stands in a county levying the surtax at the rate of 1% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, shall remit tax at the rate of 7.51% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0751 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 7.51% rate recognizes the variations resulting from multiple sales transactions.~~

(3) ~~Concession stands in a county levying the surtax at the rate of 1/2% selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business, where it is impracticable due to the nature of the business practices within that industry to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, shall remit tax at the rate of 6.97% of their taxable sales. To compute the correct amount of tax due, the dealer should divide the dealer's total receipts by 1.0697 to compute taxable sales and then subtract taxable sales from total receipts to arrive at the amount of tax due. The 6.97% rate recognizes the variations resulting from multiple sales transactions.~~

~~(2)(4) Concessionaires Dealers operating concession stands selling food, drinks, tobacco products, and other items of tangible personal property at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business that; separately state Florida sales tax on their charge tickets, sales slips, invoices, or other tangible evidence of sales recording the sales price of the items sold and the tax thereon; must maintain accurate records of the tax so collected and remit to the State the actual amount of the tax collected and due on their sales to the state.~~

Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.15(1),(4) FS. History—New 12-11-89, Amended 3-20-96,_____.

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

(1) Amusement machines sales; levy of tax; effective tax rates.

(a) Charges Effective July 1, 1991, charges for the use of amusement machines, as defined in s. 212.02(24), F.S., are subject to the surtax at the rate imposed by the county where the machine is located ~~taxable~~. To calculate the tax due in an applicable reporting period for amusement machines located in counties imposing a surtax:

1. Divide the total gross receipts from charges for the use of amusement machines by the divisors provided in paragraph (b) to compute taxable sales;

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

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

<u>Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.040</u>
<u>1/2%</u>	<u>1.045</u>
<u>3/4%</u>	<u>1.0475</u>
<u>1%</u>	<u>1.050</u>
<u>1 1/2%</u>	<u>1.055</u>

~~(c)(b) The sale of tokens, slugs, coupons, and other items over-the-counter by individuals for the use of entertainment or amusement devices is taxable. Surtax is to be collected by the seller from the customer on the sales price at the rate of tax imposed by the county where the business is located. The surtax rate of 1 percent or 1/2 percent shall be collected by the seller from the customer on the total selling price if the business is located in a county levying a surtax.~~

~~(c) Operators of amusement machines into which money is inserted will be considered to be remitting sales tax at the rate prescribed by law if their remittances on the charges for the use of the machines do not fall below the effective tax rate established by this rule. This rate recognizes the variations resulting from multiple charges. It is presumed that the charge for use of the machine was adjusted to include tax.~~

~~1. The tax rate for amusement machines located in a county imposing a 1 1/2 percent surtax is 5.5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.055 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~2. The tax rate for amusement machines located in a county imposing a 1 percent surtax is 5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.050 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~3. The tax rate for amusement machines located in a county imposing a 1/2 percent surtax is 4.5 percent. To compute the correct amount of tax due, the operators of amusement machines should divide their total receipts from these machines by 1.045 to compute their gross sales and subtract their gross sales from the total receipts to arrive at the amount of sales tax due.~~

~~4. Money inserted into a machine which dispenses tokens, slugs, coupons, or any other item for use of entertainment or amusement devices will also be taxable at 1.055 percent of the gross sales in a 1 1/2 percent surtax county, at 1.050 percent of the gross sales in a 1 percent surtax county, and at 1.045 percent of gross sales in a 1/2 percent surtax county. Again, the total receipts from the machines providing the tokens, slugs, coupons, etc., should be divided by 1.055 if the machines are located in county levying a 1 1/2 percent surtax; 1.050 if the machines are located in a county levying a 1 percent surtax; or 1.045 if the machines are located in a county levying the 1/2 percent surtax; by operators, to compute their gross sales, and they should subtract the gross sales amount from total receipts to arrive at the amount of sales tax due.~~

(2) Vending machine sales; levy of tax; effective tax rates. Section 212.0515, F.S., provides the amount of tax to be paid on food, beverages, or other items of tangible personal property that are sold through vending machines.

(a) All sales made through vending machines of food, beverages, or other devices dispensing taxable items having a sales price of ten cents or more are taxable, unless specifically exempt. See Rule 12A 1.044(7), F.A.C., for exemptions.

(b)1. Effective January 1, 1992, sales of beverages, including, but not limited to, soft drinks, coffee, tea, natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products; or natural fruit or vegetable juices through a vending machine are taxable at the rate of 8.31 percent in a county levying a 1 1/2 percent surtax, 7.76 percent in a county levying a 1 percent surtax, and 7.20 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0831 in a 1 1/2 percent surtax county, 1.0776 in a 1 percent surtax county, or 1.0720 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due. The milk products, natural fruit or vegetable juices were taxable at the rate of 7.76 percent in a county levying a 1 percent surtax and 7.20 percent in a county levying the 1/2 percent surtax until July 1, 1993.

2. Effective July 1, 1993, sales of natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices through a vending machine are taxable at the rate of 8.06 percent in a county levying the 1 1/2 percent surtax, 7.53 percent in a county levying the 1 percent surtax and 6.99 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0806 in a 1 1/2 percent surtax county, 1.0753 in a 1 percent surtax county, and 1.0699 in a 1/2 percent surtax county, to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

3. Effective January 1, 1992, sales of food items through a vending machine are taxable at the rate of 8.06 percent in a county levying the 1 1/2 percent surtax, 7.53 percent in a county levying the 1 percent surtax, and 6.99 percent in a county levying the 1/2 percent surtax. For the purpose of this rule, gum and breath mints are considered food items. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0806 in a 1 1/2 percent surtax county, 1.0753 in a 1 percent surtax county, or 1.0699 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

4. All other sales through a vending machine are taxable at the rate of 7.95 percent in a county levying the 1 1/2 percent surtax, 7.51 percent in a county levying the 1 percent surtax,

and 6.97 percent in a county levying the 1/2 percent surtax. To compute the correct amount of tax due, the operator should divide total receipts from such machines or devices by 1.0795 in a 1 1/2 percent surtax, 1.0751 in a 1 percent surtax county, or 1.0697 in a 1/2 percent surtax county to compute gross taxable sales and then subtract gross taxable sales from total receipts to arrive at the amount of tax due.

5. When there is a combination of beverages, food, or other items that are sold through the same vending machine, the vending machine operator may, if the operator can identify and account for each type of item vended, remit the tax at the appropriate rate for each type of item vended. Example: A vending machine contains various types of food and novelty items at different prices. If the operator can account for and identify the total number of food items vended times the sales price for these food items, the operator may remit the tax at the rate of 8.06 percent in a county imposing the 1 1/2 percent surtax, 7.53 percent in a county imposing the 1 percent surtax, and 6.99 percent in a county imposing the 1/2 percent surtax on the food items and 7.95 percent in a county imposing the 1 1/2 percent surtax, 7.51 percent in a county imposing the 1 percent surtax and 6.97 percent in a county imposing the 1/2 percent surtax on the novelty items. When an operator cannot identify and account for each type of item sold through the vending machine, the highest tax rate for a product vended shall be used for all products sold through that machine.

(e) Operators of vending machines or devices equipped with tax collecting devices are required to maintain accurate records and remit the actual tax collected.

(d)1. When a dealer can demonstrate to the satisfaction of the Department through its books and records that a lower rate than that which is provided in the preceding paragraphs of this subsection is applicable, except for food and beverage vending machines on and after January 1, 1992, or sales through an amusement machine on or after January 1, 1995, the total of the state tax and the surtax that is payable on sales through a vending machine or rack for selling newspapers, magazines, other publications, shall be at that rate. Effective January 1, 1992, operators of food and beverage vending machines must report the tax at the rate prescribed in s. 212.0515(2), F.S. Effective January 1, 1995, operators of amusement machines must report the tax at the rate prescribed in paragraph (1)(c) above.

2. In order to substantiate a lower effective tax rate, a vending machine operator is required to maintain books and records which contain the total number of items sold in each machine in which similar kinds of items are vended and the sales price for each item vended. Example: Company X wants to establish a lower effective tax rate for novelty items vended. The company must use the sale of all novelty items from each vending machine and the sales price of each item vended. The company should not include its food or drink sales in trying to establish a lower effective tax rate for its novelty items.

3. If an operator establishes a lower effective tax rate on a per vending basis, the operator must also establish an effective tax rate for any machine which produces a rate higher than that prescribed in this rule.

4. Operators using an effective tax rate other than the applicable rate prescribed within this rule must recompute the rate on a monthly basis.

~~(3) Owners or operators of coin-operated amusement and vending machines or devices dispensing taxable tangible personal property must obtain a separate sales and use tax Certificate of Registration (Form DR-11), incorporated in Rule 12A-1.097, F.A.C., for each county in which the coin-operated amusement and vending machines or devices dispensing taxable tangible personal property are located. Refer to Rule 12A-1.044(5), F.A.C., for further information on registration requirements.~~

~~(3)(4) No change.~~

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

12A-15.012 Alcoholic and Malt Beverages.

(1)(a) Alcoholic beverages, including beer, ale, and wine, are subject to surtax at the rate imposed by the county where the business is located taxable. The dealer shall add the sales tax, plus the applicable surtax, to the sales price ~~(including any other state and federal taxes)~~ of each sale. The dealer is not permitted to advertise or hold out to the public in any manner that the dealer will absorb any part of the sales tax or surtax due or that the dealer will relieve the purchaser from the payment of sales tax or surtax.

(b) In some instances, it may be impractical for dealers who sell package goods, mixed drinks, or a combination of package goods and mixed drinks a dealer to separately itemize record the sales price of the beverage and the tax thereon. In such cases, a dealer is required to shall remit tax in accordance with one of the methods outlined below, and the dealer's records must substantiate the method chosen.

(2) DEALERS WHO DO NOT SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, does not put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following rates. The dealer should multiply the total gross receipts derived from the sale of package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

<u>County Surtax Rate</u>	<u>Effective Tax Rate</u>
<u>No Surtax</u>	<u>.0635</u>
<u>1/2%</u>	<u>.0677</u>
<u>3/4%</u>	<u>.07035</u>
<u>1%</u>	<u>.0730</u>
<u>1 1/2%</u>	<u>.0776</u>

1. When the business location is in a county levying the surtax at 1 1/2% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 7.76% of their total receipts, and dealers who sell mixed drinks or combination of mixed drinks and package goods shall remit the tax at the rate of 7.95% of their total receipts.

2.a. Example: A package store located in a county imposing surtax at the rate of 1 1/2% that does not sell which sells no mixed drinks and whose total gross receipts are \$2,000 would multiply \$2,000 by .0776 7.76% to compute tax due of \$155.20. This is the amount of sales tax, plus surtax, due.

~~b. Example: A dealer who sells drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would multiply \$2,000 by 7.95% to compute tax due of \$159.00.~~

(b)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide the total gross receipts by the following divisors to compute taxable sales:

<u>County Surtax Rate</u>	<u>Divisor</u>
<u>No Surtax</u>	<u>1.0635</u>
<u>1/2%</u>	<u>1.0677</u>
<u>3/4%</u>	<u>1.07035</u>
<u>1%</u>	<u>1.0730</u>
<u>1 1/2%</u>	<u>1.0776</u>

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

2. When the business location is in a county levying the surtax at 1 1/2% and the public has been put on notice by means of price lists or signs posted prominently throughout the establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

2.a. Example: A package store located in a county imposing a surtax at 1 1/2% that does not sell which sells no mixed drinks and whose total gross receipts are \$2,000 would divide \$2,000 by 1.0776 to compute taxable sales of \$1,855.98, and tax collected of \$144.02. The store would subtract \$1,855.98 from \$2,000 to compute \$144.02 tax due. This is the amount of sales tax, plus surtax, due.

(3) DEALERS WHO SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and does NOT put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following

rates. The dealer should multiply the total gross receipts derived from the sale of mixed drinks and package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

County Surtax Rate	Effective Tax Rate
No Surtax	.0659
1/2%	.0697
3/4%	.0724
1%	.0751
1 1/2%	.0795

b. Example: A dealer who sells drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would divide \$2,000 by 1.0795 to compute taxable sales of \$1,852.71, and tax collected of \$147.29.

3. When the business location is in a county levying the surtax at 1% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 7.30% of their total receipts, and dealers who sell mixed drinks or combination of mixed drinks and package goods shall remit the tax at the rate of 7.51% of their total receipts.

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would multiply \$2,000 by 7.30% to compute tax due of \$146.

2.b. Example: A dealer located in a county imposing a 1% surtax who sells mixed drinks or both a combination of mixed drinks and package goods and whose total gross receipts are \$2,000 would multiply \$2,000 by .0751 7.51% to compute tax due of \$150.20. This is the amount of sales tax, plus surtax, due.

(b)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide total gross receipts by the following divisors to compute taxable sales:

County Surtax Rate	Divisor
No Surtax	1.0659
1/2%	1.0697
3/4%	1.0724
1%	1.0751
1 1/2%	1.0795

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

4. When the business location is in a county levying the surtax at 1% and the public has been put on notice by means of price lists or signs posted prominently throughout the

establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would divide \$2,000 by 1.0730 to compute taxable sales of \$1,863.93, and tax collected of \$136.07.

2.b. Example: A dealer located in a county imposing a 1% surtax who sells mixed drinks or both a combination of mixed drinks and package goods and whose total gross receipts are \$2,000 would divide \$2,000 by 1.0751 to compute taxable sales of \$1,860.29, and tax collected of \$139.71. The dealer would subtract \$1,860.29 from \$2,000 to compute \$139.71 tax due. This is the amount of sales tax, plus surtax, due.

5. When the business location is in a county levying the surtax at 1/2% and the public has not been put on notice through the posting of price lists or signs prominently throughout the establishment that tax is included in the total charge, package stores which sell no mixed drinks shall remit tax at the rate of 6.77% of their total receipts, and dealers who sell mixed drinks or a combination of mixed drinks and package goods shall remit the tax at the rate of 6.97% of their total receipts.

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would multiply \$2,000 by 6.77% to compute tax due of \$135.40.

b. Example: A dealer who sells mixed drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would multiply \$2,000 by 6.97% to compute tax due of \$139.40.

6. When the business location is in a county levying the surtax at 1/2% and the public has been put on notice by means of price lists or signs posted prominently throughout the establishment that the total charge includes tax, the dealer shall report the tax collected by deducting the tax from the total receipts using the methods shown below:

a. Example: A package store which sells no mixed drinks and whose total receipts are \$2,000 would divide \$2,000 by 1.0677 to compute taxable sales of \$1,873.19, and tax collected of \$126.81.

b. Example: A dealer who sells mixed drinks or a combination of mixed drinks and package goods and whose total receipts are \$2,000 would divide \$2,000 by 1.0697 to compute taxable sales of \$1,869.68, and tax collected of \$130.32.

(2) Notwithstanding other provisions of this section, dealers engaged in the business of making retail sales of alcoholic and malt beverages, who separately record the sales price of items sold and the tax thereon, must maintain accurate records of the tax collected, and the exact amount of tax must be remitted to the state.

Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.054, 212.055, 212.07(2),(4), 212.08(4), 212.15(1),(4) FS. History--New 12-11-89, Amended 3-20-96,_____.

12A-15.015 Public Use Forms Used by Public.

In addition to the forms prescribed in Chapter 12A-1, F.A.C. the following public use public-use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the surtax. These forms are hereby incorporated by reference in this rule. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

FORM	TITLE	EFFECTIVE DATE
(1) DR-2B	Sales Tax Brackets on all 6½% Taxable Transactions (r. 07/95)	02/96
(2) DR-2C	Sales Tax Brackets Effective on all 7% Taxable Transactions (r. 02/95)	02/96
(3) DR-2D	Sales Tax Brackets Effective on all 7.5% Taxable Transactions (r. 01/96)	02/96
(4) DR-2E	Sales Tax Brackets Effective on all 8% Taxable Transactions (r. 02/95)	02/96
(5) DR-2F	Sales Tax Brackets Effective on all 3.5% Taxable Transactions (r. 02/96)	02/96
(6) DR-2G	Sales Tax Brackets Effective on all 4% Taxable Transactions (N. 02/96)	02/96
(7) DR-2H	Sales Tax Brackets Effective on all 4.5% Taxable Transactions (N. 02/96)	02/96
(8) DR-2I	Sales Tax Brackets Effective on all 5% Taxable Transactions (N. 02/96)	02/96
(9) DR-2J	Sales Tax Brackets Effective on all 5.5% Taxable Transactions (N. 02/96)	02/96

~~(10) DR-2K Sales Tax Brackets Effective on all 8.5% Taxable Transactions (N. 02/96) 02/96~~

(11) through (12) renumbered (1) through (2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055 FS. History--New 12-11-89, Amended 8-10-92, 9-14-93, 3-20-96,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Exemptions	12A-16.003
Registration	12A-16.004
Exemption Permits, Certificates, and Affidavits	12A-16.005
Public Use Forms	12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-16.003, F.A.C., Exemptions, is to remove provisions for exemptions from the rental car surcharge that are provided in Rule 12A-16.005, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-16.004, F.A.C., Registration, is to: (1) correct the title of form DR-1, Application to Collect and/or Report Tax in Florida; and (2) remove the repetition of where to obtain forms that is currently provided in Rule 12A-16.008, F.A.C.

The purpose of the proposed amendments to Rule 12A-16.005, F.A.C., is to: (1) change the title to "Exemption Permits, Certificates, and Affidavits"; and (2) provide that entities holding a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department may lease or rent a vehicle for hire exempt from the rental car surcharge.

The purpose of the proposed amendments to Rule 12A-16.008, F.A.C., is to: (1) change the title to "Public Use Forms"; (2) incorporate the May 1999 revisions to form DR-15SW; and (3) make a technical change to an address where a form may be obtained.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for the public to comment regarding these proposed amendments to rules regarding the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.05(1), 212.06(1), 212.0606, 212.08(6),(7), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 at (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 RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.003 Exemptions.

~~If the lease or rental of a for hire passenger motor vehicle is directly to an organization which is exempt from sales and use tax, such as a church or governmental entity, the lease or rental is likewise exempt from the surcharge. The exemption certificate required for sales and use tax shall satisfy the requirements of the surcharge.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.08(6),(7) FS. History—New 11-14-89, Repealed _____.

12A-16.004 Registration.

(1)(a) Before any person may engage in or conduct business in this state of leasing or renting any for hire passenger motor vehicle, that person must first file an Application to Collect and/or Report for Sales and Use Tax in Florida Registration (form Form DR-1). Registration as a sales tax dealer is sufficient registration for purposes of the surcharge. See Rule 12A-16.008, F.A.C., for information on how to obtain forms.

~~(b) Applications for Sales and Use Tax Registration (Form DR-1), incorporated by reference in Rule 12A-1.097, F.A.C., are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (http://sun6.dms.state.fl.us/dor/revenue.html). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.18(3) FS. History—New 11-14-89, Amended 8-10-92, 3-21-95, _____.

12A-16.005 Exemption Permits, Certificates, and Affidavits.

(1) The lease or rental of a for hire passenger motor vehicle directly to an entity that holds a valid Consumer's Certificate of Exemption (form DR-14) issued by the Department is exempt. Direct pay permits, exemption Permits, certificates, and exemption affidavits required to be issued to lease or rent a vehicle exempt from for sales and use tax shall satisfy the requirements of the exemption from the surcharge. However, if a permit, certificate, or affidavit is issued by the lessee or renter at the time of the lease or rental in lieu of surcharge, and the lessee makes a taxable use of the motor vehicle, the lessee or renter is required to remit the surcharge directly to the Department.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.05(1), 212.06(1), 212.0606, 212.18(3), 212.183 FS. History—New 11-14-89, Amended _____.

12A-16.008 Public Use Forms ~~Used by Public.~~

In addition to the forms prescribed in Chapter 12A-1, F.A.C., the following public use ~~public use~~ forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the surcharge. Copies of these forms are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address show inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

FORM NUMBER	TITLE	EFFECTIVE DATE
DR-15SW	Solid Waste and Surcharge Return (r. 05/99 10/94)	_____ <u>03/95</u>

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.053(1)(b), 212.0606, 212.17(4), 212.18(2) FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Forms
 RULE NO.: 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C., Forms, is to incorporate by reference amendments to forms used by the Department in the administration of corporate income tax.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for the public comment regarding the changes to forms used by the Department in the administration of corporate income tax.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 220.19, 220.21, 220.22, 220.221(3), 220.34, 220.51, 221.04 FS.

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

TIME AND DATE: 10:00 a.m., November 28, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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 at (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 RULE DEVELOPMENT IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.051 Forms.

The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

FORM NUMBER	TITLE	EFFECTIVE DATE
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(1) through (4) No change.

(5) F-1120A (Flats)	Florida Corporate Short Form Income Tax Return	<u>03/00</u>
	Return (r. <u>01/01</u> N-01/99)	

(6) No change.

(7) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (r. <u>01/01</u> 04/99)	<u>03/00</u>
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(8) F-1120N	Instructions for filing Form F-1120 Corporate Income/Franchise and Emergency Excise Tax Return (r. <u>01/01</u> 04/99)	<u>03/00</u>
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(9) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Installment 1, 2, 3, 4) (r. <u>01/01</u> 04/99)	<u>03/00</u>
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(10) No change.

(11) F-1120P	Payment Coupon (r. <u>01/01</u> 04/99)	<u>03/00</u>
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(12) F-1120X	Amended Florida Corporate Income/Franchise Return (r. <u>01/01</u> 04/99)	<u>03/00</u>
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(13) through (16) No change.

(17) F-1157Z	Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (r. <u>01/01</u> 07/98)	<u>03/00</u>
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(18) through (21) No change.

(22) F-7004	Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (r. <u>01/01</u> 04/99)	<u>03/00</u>
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Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 120.55(1)(a)4., 220.19, 220.21, 220.22, 220.221(3), 220.34, 220.51, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, _____.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Containers, Packs, Stamping and 20-39
Labeling of Fresh Fruit

RULE TITLE: RULE NO.:
Approved Boxes 20-39.003

PURPOSE AND EFFECT: Would provide for two new containers to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUBJECT AREA TO BE ADDRESSED: Approved containers for use in shipping fresh Florida Citrus.

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Loading Manifest to be Furnished to 20-40
the Inspector – Fresh Citrus Fruit

RULE TITLE: RULE NO.:
Mandatory Automated Reporting 20-40.005

PURPOSE AND EFFECT: Would provide for mandatory automated reporting of loading manifests by all fresh citrus fruit shippers by a date certain.

SUBJECT AREA TO BE ADDRESSED: Automated reporting of loading manifests.

SPECIFIC AUTHORITY: 601.10(1),(8), 601.15(1),(2), (4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS.

LAW IMPLEMENTED: 601.10(8), 601.15(1), 601.155(7), 601.69 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Ownership and Use of “Florida 20-94
Sunshine Tree” Certification Mark

RULE TITLE: RULE NO.:
Withdrawal of License or Permission 20-94.005

PURPOSE AND EFFECT: Would provide for “Florida Sunshine Tree” products to be considered eligible for Department of Citrus promotion programs until September 1, 2001.

SUBJECT AREA TO BE ADDRESSED: “Florida Sunshine Tree” products eligibility for Department promotion programs.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15(2)(b),(10)(a) FS.

LAW IMPLEMENTED: 601.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 001589-TL

RULE TITLE: RULE NO.:
Eligible Telecommunications Carrier (ETC) 25-4.047
Information Requirements for Lifeline
and Link Up Service

PURPOSE AND EFFECT: To require all Eligible Telecommunications Carriers (ETCs) to advertise the availability of Lifeline and Link Up throughout the ETCs’ service areas to increase participation in these programs.

SUBJECT AREA TO BE ADDRESSED: Advertisement of Lifeline and Link Up.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.10, 364.0252 FS.

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

TIME AND DATE: 1:30 p.m., November 29, 2000

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Wright, Division of Competitive Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.047 Eligible Telecommunications Carrier (ETC) Information Requirements for Lifeline and Link Up Service.

(1) Purpose. The purpose of this rule is to require all Eligible Telecommunications Carriers (ETCs) to advertise the availability of Lifeline and Link Up throughout their service areas.

(2) Definitions.

(a) Eligible Telecommunications Carrier (ETC) means a common carrier designated by the Commission as eligible to receive federal universal service support.

(b) Lifeline means the discount on retail local service available only to qualifying low-income consumers, which is supported by the universal service fund as described in 47 CFR Ch. 1 §54.407(a).

(c) Link Up means the assistance program for qualifying low-income consumers that provides a reduction in the ETC's customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence.

(d) Qualifying low-income consumer means a Florida consumer who participates in one of the following programs: Medicaid, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps, Federal Public Housing Assistance, or the Low Income Home Energy Assistance Program (LIHEAP).

(3) Advertising Media. Beginning the first calendar quarter after this rule becomes effective, each ETC shall advertise Lifeline and Link Up service offerings in the following media throughout all of its service area at the prescribed intervals:

(a) On television at least ten times a quarter between the hours of 6:00 p.m. and 9:00 p.m. Each advertisement shall last a minimum of thirty seconds.

(b) On a local radio station at least ten times a quarter between the hours of 6:00 a.m. and 9:00 a.m., 12:00 p.m. and 1:00 p.m., or 4:00 p.m. and 6:00 p.m. Each advertisement shall last a minimum of thirty seconds.

(c) In newspapers of general circulation at least once every six months. If the newspaper is published over the weekend, the advertisement must appear in the weekend edition. Each advertisement must be at least one quarter page.

(d) In a bill stuffer at least once a calendar year.

(4) Telephone Directories. Each ETC shall provide a full-page explanation of Lifeline and Link Up in all telephone directories published by or for the ETC that contain informational pages.

(5) Advertisement and Telephone Directory requirements. Each advertisement and telephone directory explanation must:

(a) Be in English and any other language that is predominant in the service area.

(b) Contain a statement that service cannot be disconnected for customers who are enrolled in the Lifeline program as long as all outstanding local service amounts due are timely paid.

(c) Contain a statement that service will be reconnected for customers who are enrolled in the Lifeline program when any overdue local service amounts are paid.

(d) Contain a statement specifying the amount that end-user charges will be reduced per month if enrolled in the Lifeline program.

(e) Contain a description of the requirements to participate in the Lifeline and Link Up programs.

(6) Additional requirements for bill stuffers and telephone directories. Each bill stuffer and telephone directory advertisement must also contain:

(a) Information concerning voluntary toll limitation services and the availability of reduced deposits.

(b) If the directory contains an index, Lifeline and Link Up must be listed in the index.

(7) Reporting Requirements. Each ETC shall submit a report to the Division of Competitive Services annually by February 15. The annual report must contain the following information for the preceding calendar year ending December 31, unless otherwise specified:

(a) The number of residential access lines in service.

(b) The number of customers receiving Lifeline Assistance at the end of each month.

(c) The number of Lifeline customers subscribed to toll-blocking services.

(d) The number of customers per month that received assistance through Link Up.

(e) The total dollar amount of connection charges credited to customers receiving assistance through Link Up.

(f) The number of customers that received discounted service under the provisions of Section 364.105, Florida Statutes.

(g) The amount of revenue foregone as a result of the provisions of Section 364.105, Florida Statutes.

(h) A list by calendar year quarter of all bill inserts and messages, as well as all radio, television, and newspaper advertisements, including the number of times each was run.

(i) The total advertising costs to comply with this rule, by calendar year quarter.

Specific Authority 350.127(2) FS. Law Implemented 364.10, 364.0252 FS. History—New _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: 001521-EU

RULE TITLE: Adequacy of Resources

RULE NO.: 25-6.035

PURPOSE AND EFFECT: This rule is being amended to clarify the original intent and to update current operating reserve practices. Deletions reflect the fact that the reserve margin criterion contained in this rule is for pricing purposes and not a prudence determination or planning criterion. References to the Southeastern Reliability Council are updated to reference the Florida Reliability Coordinating Council.

SUBJECT AREA TO BE ADDRESSED: The amended rule addresses the subject area of operating reserve practices.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c),(5), 366.055 FS.

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

TIME AND DATE: 9:30 a.m., November 30, 2000

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard C. Bellak, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.035 Adequacy of Resources.

(1) Each electric utility shall maintain sufficient generating capacity, supplemented by regularly available generating and non-generating resources, in order to meet all reasonable demands for service and provide a reasonable reserve for emergencies. Each electric utility shall also coordinate the sharing of energy reserves with other electric utilities in Peninsular Florida. ~~To achieve an equitable sharing of energy reserves, Peninsular Florida utilities shall be required to maintain, at a minimum, a 15% planned reserve margin. The planned reserve margin for each utility shall be calculated as follows:~~

$RM = [(C - L) / L] * 100$ where;

~~“RM” — Is defined as the utility's percent planned reserve margin;~~

~~“C” — Is defined as the aggregate sum of the rated dependable peak hour capabilities of the resources that are expected to be available at the time of the utility's annual peak; and~~

~~“L” — Is defined as the expected firm peak load of the system for which reserves are required.~~

The following shall be utilized as the operating reserve standard for Peninsular Florida's utilities: operating reserves shall be maintained by the combined Peninsular Florida system at a value equal to or greater than the loss of generation that would result from the most severe single contingency. The operating reserves shall be allocated among the utilities in proportion to each control area's peak hour net energy for load utility's maximum demand for the preceding year, and the summer gross Florida Southeastern Electric Reliability Coordinating Council (FRCC SERC) capability of its largest unit or ownership share of a joint unit, whichever is greater. Fifty percent shall be allocated on the basis of net energy for load demand and fifty percent on the basis of the summer gross FRCC SERC capability of the largest unit. Operating reserves shall be fully available within fifteen ten minutes. At least 25% of the operating reserves shall be in the form of spinning reserves which are automatically responsive to a frequency deviation from normal.

(2) through (5) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c), 366.04(5), 366.055 FS. History—New 7-29-69, Formerly 25-6.35, Amended 9-5-96, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures

RULE NO.: 59C-1.008

PURPOSE AND EFFECT: Section 408.039(3)(a), Florida Statutes, requires an applicant for a certificate of need (CON) to provide a copy of the application to the local health council. No deadline for this action is specified in statute. Existing rules 59C-1.008(1)(f) and 59C-1.008(4) specify that the local health council must receive a copy of a certificate of need (CON) application no later than 5 p.m. on the same day that the

application must be submitted to the agency. Additionally, these rules state that the agency cannot accept an application for review if the local health council fails to receive a copy of the application by that deadline. The proposed rule amendment eliminates the deadline for submission to the local health council, allowing the agency to initiate review activity independent of that submission, including a determination of whether the application is complete.

The agency has recently proposed other amendments to rule 59C-1.008 which will be adopted before this present amendment is proposed in a formal notice of rulemaking. Therefore that amended language is incorporated in the preliminary text which follows this notice.

SUBJECT AREA TO BE ADDRESSED: The deadline for submitting a CON application to the local health council.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.039(3) 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: 2:00 p.m., November 28, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital projects, and for nursing facility projects, as specified in paragraph (g) of this subsection. All other projects subject to comparative review shall be reviewed in the hospital batching cycle. "All other projects" include projects by or for hospices and intermediate care facilities for the developmentally disabled.

(a) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, and 11-Trn which are incorporated by reference herein. A copy of Form CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration
 Certificate of Need
 2727 Mahan Drive, Building 3
 Tallahassee, FL 32308

1. The application must be actually received by the agency by 5 p.m. local time ~~and a copy must actually be received by the local health council by 5 p.m. local time on or before the application due date.~~

~~2. An application submitted to the agency shall not be accepted by the agency, and the application fee will be returned if a copy of the application is not received by the appropriate local health council as provided above.~~

~~2.3.~~ Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency.

~~3.4.~~ Applications may propose a lesser number of beds than that contained in the letter of intent.

(g) through (3) No change.

(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the ~~applicable~~ local health council ~~at the same time the application is submitted to the agency. Failure to timely file with the local health council as set forth in paragraph (1)(f) of this rule will result in the application not being accepted by the agency.~~

(5) through (6) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.037, 408.038, 408.039 FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services **RULE NO.:** 59G-4.060

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended § 409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Reimbursement Handbook, Dental 111, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid prescriptions. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Reimbursement Handbook, Dental 111, updated February 2001.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Wednesday, November 29, 2000

PLACE: Conference Room A, Bldg. 3, 2727 Mahan Blvd., Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Coverage and Limitations Handbooks, July 2000, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, February 2001 ~~October 1999~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. All three handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Services

RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended § 409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Drug Services, Coverage, Limitations and Reimbursement Handbook, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid prescriptions. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook, February 2001.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Wednesday, November 29, 2000

PLACE: Conference Room A, Bldg. 3, 2727 Mahan Blvd., Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, February 2001 ~~November 2000~~, which is incorporated by reference, and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-14-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Provider Requirements

RULE NO.: 59G-5.020

PURPOSE AND EFFECT: The 2000 Florida Legislature passed CS/SB 2034, Section 71, which amended §409.912, Florida Statutes, to require the Agency for Health Care Administration to develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, February 2001, which contains the policy that Medicaid practitioners who prescribe drugs must use a counterfeit-proof prescription pad for Medicaid prescriptions. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, updated February 2001.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Wednesday, November 29, 2000

PLACE: Conference Room A, Bldg. 3, 2727 Mahan Blvd., Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Marsh, Medicaid Program Integrity, 2002 Old St. Augustine Road, Building B, Suite 10B, Tallahassee, Florida 32301, (850)922-4374

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

All advanced registered nurse practitioners; ambulatory surgery centers; audiologists; birthing centers; child health check-up providers; chiropractors; community mental health services providers; county health departments; county health department certified match providers; dentists (when submitting claims on the HFCA-1500 claim form); durable medical equipment and medical supply providers; early intervention service providers; federally qualified health centers; freestanding dialysis centers; hearing aid specialists; home health agencies; independent laboratories; licensed midwives; Medicaid certified school match providers; medical foster care providers; opticians; optometrists; physicians; physician assistants; podiatrists; portable x-ray providers; prescribed pediatric extended care centers; registered nurse first assistants; rural health clinics; therapists; and visual services providers enrolled in the Medicaid program and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, updated ~~February 2001~~ ~~July 1999~~, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES: RULE NOS.:

Continuing Education Provider Approval 61-20.5081

Continuing Education Course Approval 61-20.5082

PURPOSE AND EFFECT: The Council proposes to amend these rules to incorporate revised forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

SPECIFIC AUTHORITY: 468.4315(2), 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.4337 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: RULE NO.:

Advertising 61G2-5.004

PURPOSE AND EFFECT: The Board proposes to strike certain text from this rule as it lacks specific authority.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.388(6), 468.389(1)(d),(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Baker, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G2-5.004 Advertising.

(1) through (2) No change.

~~(3) The provisions of this rule apply to media exposure of any nature, regardless of whether it is in the form of paid advertising.~~

~~(4) The auction business shall be responsible for the content of all advertising disseminated in preparation for the auction.~~

~~(5) Failure to comply with this rule is a violation of Sections 468.389(1)(d) and (j) and Sections 455.227(1)(a) and (b), Florida Statutes.~~

Specific Authority 468.384(2) FS. Law Implemented 468.388(6), 468.389(1)(d),(j) FS. History—New 10-19-87, Formerly 21BB-5.004, Amended 10-12-93,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Definitions
 RULE NO.: 61G16-1.009

PURPOSE AND EFFECT: The purpose and effect of the rule is to establish procedures for “Long-term, ongoing relationship.”

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 492.104 FS.

LAW IMPLEMENTED: 492.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: D. A. O’Connor, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G16-1.009 Definitions.

As used in Chapter 492 and in these rules where the context will permit the following terms have the following meanings:

(1) "Responsible Position" shall mean direct control and personal supervision of geological work done by oneself or by others over which the applicant exercises supervisory authority.

(2) “Long-term, ongoing relationship” shall mean a contractual relationship between the professional geologist and the firm, corporation, or partnership, in which the professional geologist performed or is responsible for the supervision, direction, or control of the work contained in the geological papers, reports, or documents that are signed, dated, and sealed by the professional geologist.

Specific Authority 492.104 FS. Law Implemented 492.105, 492.111 FS. History—New 4-27-88, Formerly 21DD-1.009, Amended 11-15-93, 5-14-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Procedures for Signing and Sealing Geological Paper, Reports, or Other Documents
 RULE NO.: 61G16-2.005

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the procedures for signing and sealing geological papers, reports, or other documents.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents.

SPECIFIC AUTHORITY: 282.75, 492.104, 492.107 FS.

LAW IMPLEMENTED: 282.75, 492.107 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: D. A. O’Connor, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G16-2.005 Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents.

(1) All geological papers, reports, or other documents prepared or issued by a licensed professional geologist shall be signed, dated, and sealed by the professional geologist who performed or is responsible for the supervision, direction, or control of the work contained in the papers, reports, or documents ~~actually prepared the geological papers, reports, or documents or who had direct responsibility for the supervision, direction, or control of their preparation.~~

(2) through (4) No change.

Specific Authority 282.75, 492.104, 492.107 FS. Law Implemented 282.75, 492.107 FS. History—New 2-9-00, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Experience
 RULE NO.: 61G17-3.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Experience.

SPECIFIC AUTHORITY: 472.008 FS.

LAW IMPLEMENTED: 472.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Education
 RULE NO.: 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove inconsistencies and improve the clarity of the rule text.

SUBJECT AREA TO BE ADDRESSED: Education.

SPECIFIC AUTHORITY: 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-3.0021 Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.; and

(b) completed a specific course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping or completed a course of study in surveying and mapping accredited in surveying by the Accreditation Board for Engineering and Technology (ABET).

(2) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(b), F.S., the applicant must demonstrate that he/she has:

(a) graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.; and

(b) completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours or thirty-seven (37) quarter hours in courses labeled by the college or university as courses in surveying and

mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

Specific Authority 472.013 FS. Law Implemented 472.005, 472.013 FS. History—New 9-7-93, Amended 5-30-95, 10-1-97, 5-17-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Definitions
 RULE NO.: 61G17-6.002

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Boundary Survey, Map, and Report
 RULE NO.: 61G17-6.0031

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Boundry survey, map, and report.

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Construction Layout Survey, Record or As-Built Survey, Quantity Survey, and Right-of-Way Survey
 RULE NO.: 61G17-6.005

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Construction layout survey, record or as-built-survey, quality survey, and right-of-way survey.

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Certificates of Authorization
 RULE NO.: 61G17-7.003

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Certificates of authorization.

SPECIFIC AUTHORITY: 472.021 FS.

LAW IMPLEMENTED: 472.021 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry

Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-56R

RULE CHAPTER TITLE: Noticed General Environmental
 RULE CHAPTER NO.: 62-341

Resource Permits
 RULE TITLE: General Permit for Dredging of Channels by the

West Coast Inland Navigation District
 RULE NO.: 62-341.490

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A new environmental resource Noticed General Permit (NGP) (section 62-341.490, F.A.C.) is proposed to streamline the permitting of public navigation access channels dredged by the WCIND. The NGP will be available only within "traffiched" in specified inland waterways of Manatee and Sarasota Counties. The specific "traffiched" were identified through a study funded by the Florida Sea Grant Program. These waterways will include various pre-identified channels and canals within the creeks, bayous, harbors, basins, lagoons and other waterways primarily associated with Sarasota Bay. This rulemaking is in response to a Petition to Initiate Rulemaking received on October 20, 2000, from the West Coast Inland Navigation District (WCIND). It is expected that this NGP will be modified through future rulemaking to incorporate additional "traffiched" in other counties that fall under the jurisdiction of the WCIND.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.118(1), 373.414(9) FS.

LAW IMPLEMENTED: 373.118(1), 373.413, 373.414(9), 373.416 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT IS: Geoff Rabinowitz, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9896, or e-mail: geoffrey.rabinowitz@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Standard of Practice for Licensed Optometrists 64B13-3.010

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify non-performance of a dilated fundus examination.

SUBJECT AREA TO BE ADDRESSED: Dilated fundus examination.

SPECIFIC AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135(1), 463.016(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.010 Standard of Practice for Licensed Optometrists.

(1) through (6) No change.

(7)(a) To be in compliance with rule 64B13-3.007(2)(f), certified optometrists shall perform a dilated fundus examination during the patient's initial presentation, and thereafter, whenever medically indicated. If, in the certified optometrist's sound professional judgment, dilation is not should not or cannot be performed because of the patient's age, ~~or~~ physical limitations, or conditions, the reason(s) shall be noted in the patient's medical record.

(b) through (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History—New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Criteria for Selection of Examiners 64B13-4.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the qualifications for examiners.

SUBJECT AREA TO BE ADDRESSED: Criteria for examiners.

SPECIFIC AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.005 Criteria for Selection of Examiners.

The following criteria are hereby established for the selection of examiners:

(1) No change.

(2) In order to receive approval of the Board, a prospective examiner must comply with the following minimum requirements:

(a) Licensure as a licensed practitioner in this State for at least three years ~~one year~~ preceding the date of the examination at which they will serve as an examiner, and

(b) The absence of any finding by the Board that the prospective examiner has violated Chapter 456 455, Part II, Chapter 463, Florida Statutes, or the rules promulgated thereunder.

(3) No change.

Specific Authority 456.017(1)(b) 455.574(1)(b) FS. Law Implemented 456.017(1)(b) 455.574(1)(b) FS. History—New 10-6-81, Formerly 21Q-4.05, Amended 7-21-86, 11-20-86, Formerly 21Q-4.005, 61F8-4.005, 59V-4.005, Amended _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Certified Optometrist Examination 64B13-10.0015

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the passing score for the certification examination.

SUBJECT AREA TO BE ADDRESSED: The passing score for the certification examination.

SPECIFIC AUTHORITY: 463.005(1), 456.017(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 456.017(1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Examination Services.

(1) The examination shall consist of 80 questions which test the applicant's knowledge of general and ocular pharmacology with particular emphasis on the topical application and side effects of pharmaceutical agents. Each question on the examination shall be given equal weight. A ~~raw~~ score of 70 percent correct answers shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), 456.017(1),(2) 455.574(1),(2) FS. Law Implemented 463.0055, 456.017(1),(2) 455.574(1),(2) FS. History--New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00, 7-12-00, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Range of Penalties for Administrative Violations

RULE NO.: 64B13-15.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address multiple counts or offenses.

SUBJECT AREA TO BE ADDRESSED: Penalties for violations.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.003 Range of Penalties for Administrative Violations.

(1) No change.

(2) For Major Administrative Violations the range of penalties are as follows:

(a) First violation – administrative fine of not less than \$1,000.00 nor more than \$2,000.00 per count or offense and, if appropriate, a period of probation or suspension of not less than 6 months nor longer than 12 months.

(b) through (c) No change.

Specific Authority 456.079 455.627 FS. Law Implemented 456.079 455.627 FS. History--New 2-24-87, Formerly 21Q-15.003, 61F8-15.003, 59V-15.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education

RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to amend the rule text to update the continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Food Stamp Program Case Processing

RULE NO.: 65A-1.602

PURPOSE AND EFFECT: This proposed rule implements the requirements of s. 414.32, F.S., which requires custodial and noncustodial parents to cooperate with child support enforcement (CSE) as a condition of eligibility for the receipt of food stamps.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will provide for custodial and noncustodial parents to cooperate with CSE as a condition of food stamp eligibility. Custodial parents will be required to cooperate in the establishment of paternity for a child born out-of-wedlock and

to obtain child support. Noncustodial parents must show they are current with court-ordered child support payments. It also provides for good cause for non-cooperation by custodial parents when cooperation is not in the best interest of the child, custodial parent, or caretaker relative. Additionally, it provides for the development and revision of forms related to statutory and policy requirements to be incorporated by reference.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.32 FS.

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

TIME AND DATE: 9:00 a.m., December 4, 2000

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE TITLE: Citrus Canker Eradication

RULE NO.: 5B-58.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish procedures for conducting risk assessments in commercial groves which are infested or exposed to citrus canker, modify the delivery of Immediate Final Orders and what must be attached to those orders, and provide for the confiscation of citrus plants in containers in violation of the provisions of the quarantine. This clarifies the variables used in determining the distance within which exposed citrus trees must be removed, simplifies the Immediate Final Order and helps prevent the spread of the disease within or outside of the quarantine area which can occur when containerized citrus plants are moved.

SUMMARY: Defines Citrus Canker Risk Assessment Group and landscape maintenance operators; established guidelines for conducting risk assessments in commercial groves; deletes the Immediate Final Order attachments; permits Immediate Final Orders to be delivered by regular mail, common courier or posted on the property; deletes the language about maintaining property files although the program will maintain such files; states that non-production people entering citrus

groves must decontaminate personnel and equipment; and provides for the immediate confiscation of citrus plants maintained in containers when in violation of the quarantine.

SPECIFIC AUTHORITY: 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS.

LAW IMPLEMENTED: 580.07(2),(13),(21), 581.031(6),(7),(9),(15),(17),(19),(30), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 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: 10:00 a.m., December 4, 2000

PLACE: Division of Plant Industry, Cowperthwaite Building, Auditorium, 3027 Lake Alfred Road, Winter Haven, Florida 33881

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

(e) Citrus Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based evaluations. The risk assessment group provides scientific opinion and recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.

~~(f)(e)~~ Commercial citrus grove. A solid set planting of 40 or more citrus trees.

~~(g)(f)~~ Commercial citrus-producing area. American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

~~(h)(g)~~ Exposed. Determined by the department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that cause citrus canker, but not expressing visible symptoms.

~~(i)(h)~~ Infected. Harboring citrus canker bacteria and expressing visible symptoms.

(j) Landscape maintenance operators. Any person or company engaged in the business of landscape maintenance where equipment or other regulated articles are moved between non-contiguous properties.

(k)(+) Regulated articles. Any article capable of transporting or harboring citrus canker; including:

1. Trucks, tractors and all other equipment used in the quarantine areas for the production, cultivation, harvesting, processing and packing, and transportation of citrus or regulated articles, or entering citrus groves for other non-production purposes.

2. All lawn and garden tools and nursery equipment used in the quarantine areas.

3. Plant clippings and lawn and yard debris from the quarantine areas.

(2) through (4) No change.

(5) Control procedures.

(a) Risk Assessment. The department shall perform risk assessment procedures in the quarantine areas to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damage, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of infected and exposed plants, the variety and type of plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information.

(b) Control Procedure Documents. The control procedures shall include the preparation of the following documents for each piece of property potentially harboring infected or exposed citrus.

1. A report verifying the presence of, or exposure to, citrus canker through either a laboratory or field diagnosis.

2. A written inventory including size, condition, and variety of citrus located on the infected or exposed property.

3. A map of the infected or exposed property with the location of citrus subject to control action.

4. A recommendation for control action.

(b)(e) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by mail or similar common carrier, or posted on the property. A copy of the citrus canker diagnostic report, inventory, map, and recommendation referred to above will be attached to each respective Immediate Final Order. The Immediate Final Order will be provided to each property owner. If provided by personal delivery, the person making the delivery of the Immediate Final Order shall note on the order the date and time of delivery, the name of the recipient of the Order and the name of the person delivering the Order. If provided by mail, the Immediate Final Order shall be sent certified mail return receipt requested. The Immediate Final Order shall be immediately appealable or enjoined. If the property owner is in agreement and signs the waiver accompanying the Immediate Final Order, control measures in accordance with risk assessment procedures shall proceed. If the property owner refuses to sign the waiver, then control measures mandated by risk assessment procedures shall begin no sooner than five days from the property owner's receipt of the Immediate Final Order. Immediate final orders are not required for control action in commercial citrus groves provided the owner agrees voluntarily to the control action and enters into an agreement not to sue with the department.

(d) Property File. The department shall maintain a property file for each separate piece of property. The file shall contain those documents that were required to be prepared for risk assessment and the following: a copy of the Immediate Final Order with all attachments, a map identifying the location of infected or exposed citrus and the type of control action taken.

(6) Movement of citrus nursery stock or citrus plants.

(a) The movement or planting of citrus nursery stock, citrus plants or plant parts in the quarantine areas is prohibited with the exception of citrus nursery stock planted in a commercial citrus grove as recommended by risk assessment procedures or destined to an area other than a commercial citrus-producing area.

(b) Citrus nursery stock may move through the quarantine areas for planting outside the quarantine areas provided it is completely covered or enclosed in containers or in a compartment of a vehicle during movement. The shipment must be accompanied by an invoice denoting a purchaser outside of the quarantine areas.

(7) Movement of citrus fruit originating within the quarantine areas. Notwithstanding Subsection (6) of this rule, citrus fruit produced originating within the quarantine areas may be moved from or within the quarantine areas upon

obtaining a citrus canker Citrus Fruit Harvesting Permit, Revised 6/99, DACS-08123 (formerly PI-123), from the Citrus Canker Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881, and incorporated herein by reference, and be in compliance with the following requirements:

(a) The grove producing the fruit has been inspected by the department and found to be free of citrus canker. Groves must be mowed and otherwise maintained to facilitate inspection.

(b) The fruit has been treated in accordance with Subsection ~~(12)~~(14) of this rule.

(c) through (e) No change.

(8) No change.

(9) Movement of plant clippings and lawn and yard debris.

(a) No change.

(b) Landscape ~~Lawn~~ maintenance operators within the quarantine areas shall demonstrate that they have:

1. Treated regulated articles in accordance with the requirements of Subsection ~~(13)~~(12) of this rule upon departure from any property.

2. Treated personnel in accordance with the requirements of Subsection ~~(14)~~(13) of this rule when departing from any property.

(c) Compliance Agreements. All landscape ~~lawn~~ maintenance operators ~~operations~~ within the quarantine areas ~~shall have a citrus canker certificate for each movement demonstrating compliance with paragraph (a) or~~ must enter into a compliance agreement, DACS-08031, effective 5/99, providing for compliance with this rule. All landscape ~~lawn~~ maintenance companies will be provided with a serialized decal upon signing a compliance agreement. Decals shall be prominently displayed on the driver's side of the windshield of the vehicle. All landscape ~~lawn~~ maintenance operators shall on demand provide the department with a list that includes the names and physical address of all clients.

(10) Movement of citrus fruit through Quarantine areas. Notwithstanding Subsection (6) of this rule, citrus fruit originating outside the quarantine areas may be moved through the quarantine areas without a citrus canker certificate provided the following conditions are met:

(a) through (b) No change.

(11) Decontamination requirements. All harvesters, intermediate handlers, grove caretakers, packers, and processors both within and outside of the quarantine area must decontaminate equipment, ~~and~~ personnel and regulated articles and sign the applicable compliance agreement, DACS-08031, effective 5/99, and incorporated into this rule by reference. A copy of DACS-08031 may be obtained from the Citrus Canker Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. All non-production people entering commercial citrus groves must decontaminate equipment, personnel and regulated articles in accordance with (13) and (14) if contact with citrus does occur.

(12) through (14) No change.

(15) Citrus plants in containers. Maintaining citrus plants in containers within the quarantine areas is prohibited unless they are located in a nursery or nursery stock dealer establishment which is registered with the department or are awaiting planting in a commercial grove. Citrus plants in containers found in quarantine areas will be confiscated immediately and destroyed without compensation. It shall be unlawful for ~~nurseries or~~ nursery stockdealers in the quarantine areas to add citrus plants to their inventory. It shall be unlawful for nurseries to add citrus plants to their inventory unless they have a demonstrated market for the plants in states or countries outside of a commercial citrus-producing area as defined in (1)(g). Nurseries and nursery stockdealers operating in the retail trade must keep all citrus plants in a secure locked area or the plants will be confiscated by the department without compensation.

(16) No change.

Specific Authority 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: General Requirements RULE NO.: 6F-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to add clarity and bring the rule into compliance with Section 246.203(7), Florida Statutes. The effect is a rule that is current, concise and comprehensive.

SUMMARY: This rule amendment adds clarity and brings the rule into compliance with Florida Statutes.

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 the notice.

SPECIFIC AUTHORITY: 246.205(1), 246.207(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 120.53(1), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-1.001 General Requirements.

(1) All correspondence, forms and applications relating to the operation and licensing of nonpublic career education independent postsecondary vocational, technical, trade and business schools as required by Sections 246.201 through 246.231, Florida Statutes, shall be sent to: State Board of Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. All original letters and applications shall be a part of the records of the Board and may be retained by it.

(2) through (6) No change.

(7) To implement the Institutional Assessment Trust Fund the Board shall be responsible for authorizing the expenditure of that portion of the trust fund consisting of the fees and fines imposed upon non-public schools which it licenses. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the State Automated Management and Accounting System related to the Board's responsibilities as set forth in statute. The operating budget shall be established by resolution of the Board enacted at its last regularly scheduled meeting of the ~~in~~ ~~each~~ fiscal year. By subsequent resolutions, the Board may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Sections 246.201 through 246.231, Florida Statutes.

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS. History--New 12-19-74, Formerly 6F-7.01, Amended 7-26-78, 5-10-84, Formerly 6F-1.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 12-4-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Certificate of License for Schools

RULE NO.: 6F-2.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the required information to be submitted by licensed schools and specify the extension period for a temporary license.

SUMMARY: This rule amendment clarifies what corporation and license number information is to be submitted with the renewal application report and biennial report and provides guidelines for the length of time for extensions of the temporary license.

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 the notice.

SPECIFIC AUTHORITY: 246.205(1), 246.207(1)(e), 246.213, 246.219 FS.

LAW IMPLEMENTED: 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.001 Certificate of License for Schools.

(1) A corporation desiring to be a licensed school, subject to the jurisdiction of the Board, shall file with the Board an application for a license on forms prescribed in Rule 6F-4.001, FAC. Each educational site shall hold a separate license which is not transferable. Any variance from this requirement shall require specific prior approval by the Board.

(2) A school as defined in Section 246.203(1), Florida Statutes, is required pursuant to Section 246.215(1), Florida Statutes, to be an organization in the form of a corporation,

before the school may seek a license from the Board. Each application for a new school license ~~and each application for renewal of a school license~~ shall be accompanied by a copy of the applicant's articles of incorporation and a copy of the verification which the applicant has received from the Department of State which verifies that the articles of incorporation encompass operations as a school, as defined in Section 246.203(1), Florida Statutes, and that the school may conduct operations as such a school upon obtaining the required license from the Board. Each application for renewal of a school license shall be accompanied by evidence from the Secretary of State that the corporation's status is active, all fees have been paid, the annual report has been filed, and the corporation has not filed Articles of Dissolution.

(3) A school's license may be revoked or suspended or its application denied and the school may be subject to any combination of the disciplinary actions authorized in Section 246.228, Florida Statutes, and the additional regulatory powers provided in Section 246.2265, Florida Statutes, if the school violates or fails to comply with any provisions of Sections 246.201-246.231, Florida Statutes, or rules of the Board adopted thereunder; engages in any act or omission, or permits the existence of any condition or circumstance on the basis of which the Board could have denied an application for licensure; violates or fails to comply with the policies, procedures, and responsibilities as stated in the school's catalog and enrollment agreement last approved by the Board; or otherwise fails to protect the individual student from deceptive, fraudulent, or substandard education as a result of the school's acts or omissions.

(4) An applicant, including an owner or director or officer of a corporation owning or controlling an applicant institution, requesting a license from the Board must certify that they have not been convicted of a crime relating to the unlawful operation or management of a school, and that they have not closed an educational institution without either an orderly train-out of the students or appropriate refunds to students. The Board may obtain appropriate criminal justice information and releases of compliance from other state agencies at the expense of the applicant.

(5) Types of licensure. Each provisional license, regular license, or biennial license issued by the Board shall state specifically which programs the school is authorized to offer. Each school subject to the jurisdiction of the Board, shall apply for a license and be issued a provisional or regular license by the Board before advertising, soliciting or enrolling students.

(a) Temporary license.

1. A temporary license may be issued by the Board to an applicant who has complied with licensure requirements with the exception of:

- a. professionally printed and permanently bound catalogs and evidence of the number printed;
- b. printed enrollment agreements;

- c. evidence of compliance with local zoning, fire, safety and sanitation standards;

- d. verification that construction, alterations, decorating, and such other work has been completed in compliance with applicable regulations; and

- e. Evidence that all furniture, fixtures, equipment, materials and supplies necessary for effective operation of the school are on hand, in place, and in good condition.

2. The initial temporary license may be issued for a period ~~not to exceed~~ of four (4) months. A school which desires an extension of the initial temporary license shall submit a written request to the Board for approval. ~~Each~~ A temporary license extension may be issued for a period of up to four (4) months ~~not to exceed one (1) year from the date of the initial temporary license~~. During the period of temporary licensure a school shall not advertise, solicit or recruit students, collect fees, or begin school operation. The school shall not use such terms as licensed or approved in reference to the Board or to the State of Florida. If the school wishes to refer to its licensure, it shall use the term temporary license. Each application for approval of a temporary license extension shall be accompanied by a fee as outlined in Rule 6F-2.0026, FAC.

(b) Provisional license.

1. A provisional license ~~may shall~~ be issued to a school that has complied with all standards required for a temporary license, and has complied with all conditions outlined by the Board including an executed lease or other evidence of ownership and appointment of staff and submitted:

- a. professionally printed and permanently bound catalogs and evidence of the number printed;

- b. printed enrollment agreements;

- c. evidence of compliance with local zoning, fire, safety and sanitation standards;

- d. verification that construction, alterations, decorating, and such other work has been completed in compliance with applicable regulations; and

- e. evidence that all furniture, fixtures, equipment, material and supplies necessary for effective operation of the school are on hand, in place, and in good condition.

2. A provisional license may be issued for a period of up to one (1) year. A provisional license permits a school to begin official operation, advertise, solicit students, enroll students, and collect fees.

3. A provisional license will be in effect during the school's first year of operation.

4. Upon written request, the Board may issue a provisional license to a school for a period of up to one (1) year if the school does not comply with licensure renewal requirements for a regular license due to extenuating circumstances. Upon written request, this provisional license may be extended by the Board for a period not to exceed one (1) year if the Board determines that the school has made a good faith effort to

comply with applicable requirements. Each extension of a provisional license will require the payment of a fee as described in Rule 6F-2.0026, FAC.

(c) Regular license.

1. A regular license ~~may shall~~ be issued by the Board to a school holding a provisional license that has complied with all licensure requirements and has been approved by the Board for a regular license.

2. A regular license shall be valid for a period of one (1) year and subject to renewal annually. A school holding regular license status may revert to a provisional license if probable cause is found.

(d) Biennial license.

1. A biennial license ~~may shall~~ be issued to a school if the school has been licensed for a minimum of five (5) years, has no complaints pending whereupon probable cause has been found, and has complied with Rules 6F-1.001-6F-4.001, FAC., and Sections 246.201-246.231, Florida Statutes.

2. A biennial license shall be valid for a period of two (2) years and subject to renewal thereafter. A school holding a biennial license may revert to a regular or provisional license if probable cause is found.

3. At the close of the first year of biennial licensure, the school shall submit reports to the Board. The reports shall include ~~but not be limited to~~, the name, ~~and~~ location, and license number of the school, the name of the administrative officer, the number of students enrolled, withdrawn, graduated, the percentage of placement of graduates, a copy of the school's enrollment agreement and catalog.

(6) The Board shall grant or deny each application for a license for a school in accordance with the applicable provisions of Section 120.60, Florida Statutes.

(7) Applications for renewal of a provisional, regular, or biennial license shall be submitted to the Board at least one hundred twenty (120) days prior to the expiration of the school's license. A delinquent fee as outlined in Rule 6F-2.0026, FAC., shall be charged for failure to submit a complete renewal application report in accordance with the time prescribed herein. A license requiring an extension by the Board because the Renewal Application Report was received too late for Board action at a regularly scheduled Board meeting held prior to the expiration of the license or a license requiring an extension because all licensure requirements are not met prior to the license expiration date shall be accompanied by a fee as prescribed in Rule 6F-2.0026, FAC.

(8) Institutions that are licensed by the State Board of Independent Colleges and Universities or are exempt from the State Board of Independent Colleges and Universities, which offer any certificate, diploma, or non-credit program leading to an occupation must obtain a license from the Board. The Board will evaluate and license all non-degree programs in accordance with Rules 6F-1.001-6F-4.001, FAC., and Sections 246.201-246.231, Florida Statutes. The Board will accept the

State Board of Independent Colleges and Universities license or exemption status in meeting the requirements of the Board, except in reference to obtaining approval for non-degree programs. Institutions shall remit all fee requirements referenced in Rule 6F-2.0026, FAC., and shall contribute to the Student Protection Fund for each licensed non-degree program as outlined in Rule 6F-2.0017, FAC.

~~(9) Applications for renewal of a provisional, regular, or biennial license shall be submitted to the Board at least one hundred twenty (120) days prior to the expiration of the school's license. A delinquent fee as outlined in Rule 6F-2.0026, FAC., shall be charged for failure to submit a complete renewal application report in accordance with the time prescribed herein.~~

~~(9)(10)~~ Any significant changes, such as, but not limited to programs or method of operation during the period of licensure, shall be reported by the licensee to the Board. Changes which require an application for a license, to amend a license, or which require specific prior approval by the Board shall be subject to the specific rule provisions relating to such changes. Such changes include but are not limited to changes in school name, location, ownership, and the addition, deletion, and modification of a program.

~~(10)(11)~~ The school shall receive Board approval for an amended license prior to implementation of the modification. A change in a program name or title, a change in the total hours of an existing program, or a change in the title of the credential to be awarded for successful completion, shall constitute a program modification. Any program change not defined as a program modification shall require written notification to the Board. Any program changes that are required by a professional licensure board shall be exempt from fees. These modifications shall include:

(a) A school requesting approval to add a new program shall submit:

1. A completed Form 10 (Dictionary of Occupational Titles), incorporated by reference in Rule 6F-4.001, FAC., which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown.

2. A statement regarding the specific need for the program and how the need was determined.

3. The anticipated enrollment in the program.

4. The projected sources and amount of financial support for the program.

5. A statement regarding the relation of the course or program to the purpose of the institution.

6. Evidence that the school site contains adequate square footage to accommodate the program and that all materials, supplies, and equipment necessary for effective operation of the program are in place and in good condition.

7. A fee as prescribed in Rule 6F-2.0026, FAC.

(b) A school requesting approval to modify an existing program shall submit:

1. A fee as prescribed in Rule 6F-2.0026, FAC.; and
2. A completed Form 10 (Dictionary of Occupational Titles) which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown.; and
3. A statement regarding the specific need for modifying the existing program and how the need was determined.

(c) A school requesting approval to discontinue a program shall submit:

1. The reason for determining the need to discontinue the program.; and
2. The status of student enrollment, if any, in the program.; and
3. Verification and evidence that all students enrolled in the program were given the choice of completing the program prior to its discontinuance or receiving a full refund of all monies paid.

(d) A school requesting approval to change the name of the institution shall:

1. Select a name as defined in Rule 6F-2.002(2), FAC.
2. Submit a fee as prescribed in Rule 6F-2.0026, FAC.

(11)(12) Change of Location.

(a) A school which desires to move the school's operation within ten (10) miles of the currently licensed location shall:

1. Advise the State Board of the contemplated move thirty (30) days prior to the move.; and
2. Provide the Board with a detailed description of the new facility and verification that the new facility is properly zoned.; and
3. Provide the Board with copies of revised catalogs and contracts and other published materials to reflect the school's change of address.; and
4. Submit a fee for the reissuance of the school's license as prescribed in Rule 6F-2.0026, FAC.

(b) A school which desires to move the school's operation within eleven (11) to forty (40) miles of the currently licensed location shall:

1. Advise the State Board of the contemplated move thirty (30) days prior to the move.; and
2. Provide the Board with a detailed description of the new facility and verification that the new facility is properly zoned.; and
3. Provide the Board with a complete student status report, including notification letters to currently enrolled students, and those enrolled but who have not yet begun classes. The school shall offer to train-out currently enrolled students at the present location or refund all fees. Students enrolled in future classes shall be given a choice of attending the new location or receiving a full refund of all monies paid.; and

4. Provide the Board with copies of revised catalogs and contracts and other published materials to reflect the school's change of address.; and

5. Submit a fee as prescribed in Rule 6F-2.0026, FAC.

(c) Any school which moves its facility more than forty (40) miles from its currently licensed location shall file a new application for license in accordance with Sections 246.201-246.231, Florida Statutes.

Specific Authority 246.205(1), 246.207(1)(e), 246.213, 246.219 FS. Law Implemented 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History—New 12-19-74, Formerly 6F-6.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 11-27-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

**DEPARTMENT OF EDUCATION
State Board of Nonpublic Career Education**

RULE TITLE: Change in Ownership
RULE NO.: 6F-2.0015

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule references and provide clarifying language. The effect is a rule that is current and comprehensible.

SUMMARY: The rule amendment corrects rule references within the rule and provides clarifying language.

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 the notice.

SPECIFIC AUTHORITY: 246.205(1), 246.201(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213, 246.215 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0015 Change in Ownership.

(1) through (2) No change.

(3) Each licensee shall be responsible for arranging and conducting a change in ownership transaction in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive counseling and placement services. In addition the school shall remain responsible for properly completing the training of the enrolled students and for providing the counseling and placement services and shall be subject to disciplinary action for violations of statutes and rules which occur in that regard. A change of ownership of a school or the voiding of license or issuance of a new license, shall not in any manner void or interfere with the school's legal obligations to enrolled students to provide training, counseling, placement or other services required under the student's enrollment agreement or under Rules 6F-1.001 through 6F-4.001, FAC., Sections 246.201 through 246.31, Florida Statutes, and Board rules. The school shall be under a continuing obligation to fulfill the terms of its contracts with the enrolled students.

(4) As a condition of receiving a new provisional license the applicant shall demonstrate to the satisfaction of the Board that adequate provisions have been made to meet the school's responsibility to make refunds, in accordance with the school's refund policy as last approved by the Board, to those students who signed enrollment agreements subsequent to the date on which the school's license under the previous ownership was last issued or renewed.

(a) through (b) No change.

(c) If the Board denies a new provisional license, the school shall comply with Subsection (1) hereof, but shall conduct no other operations. The school shall discontinue operations when all students have been accounted for by graduation, and withdrawal or termination of enrollment and all refund payments have been made. The school's discontinuance shall be in accordance with ~~Rules 6F-1.001(4) and 6F-2.002(5)(f), 6F-2.0024(17), FAC.~~

(5) An expedited process, subject to stated limitations, is hereby provided for schools who seek to avoid a disruption or discontinuity in school operations which might otherwise result from a change in ownership and the extinguishment of the license. The school which seeks to be licensed on and after the effective date of the change in ownership transaction may submit a modified application for a new school license at least sixty (60) days prior to a regularly scheduled Board meeting which precedes the intended effective date of the change in ownership transaction. The modified new school application shall consist of:

(a) through (g) No change.

(h) A completed "Transmittal of Institution Application Fee" Form 3, incorporated by reference in Rule 6F-4.001, FAC., and a fee as prescribed in Rule 6F-2.0026(1)(a), FAC., together with a check or money order for the amount of the new school application fee, which shall be submitted in accordance with the instructions printed on ~~the~~ Form 3.

Specific Authority 246.205(1), 246.207(1)(e), 246.213(1) FS. Law Implemented 246.207(1)(e), 246.213, 246.215 FS. History--New 7-17-90, Amended 3-29-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Change in Control RULE NO.: 6F-2.0016

PURPOSE AND EFFECT: The purpose of this amendment is to add a specific rule reference within the rule. The effect is to have a rule which correctly identifies the applicable rule.

SUMMARY: This rule amendment adds the specific rule reference for forms that are adopted in rule and are to be used by the licensed institutions.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.213., 246.215 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0016 Change in Control.

(1) through (2) No change.

(3) When a change in control occurs as defined in subsection (2) of this rule, prior approval of the Board is required. The licensee shall submit a written statement of the proposed changes including Form 7, Instructional and Administrative Personnel, as incorporated by reference in Rule 6F-4.001, FAC., for each of the proposed members for whom Form 7 has not been previously submitted.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.213, 246.215 FS. History--New 7-17-90, Amended 3-29-93, 8-17-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Student Protection Fund
RULE NO.: 6F-2.0017

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete language which is no longer applicable to the student protection fund. The effect is to have in rule requirements which are current.

SUMMARY: This rule amendment deletes obsolete language.
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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e),(2)(g), 246.213(1) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000
PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0017 Student Protection Fund.

(1) No change.

(2) Intent. The intent of this fund is to establish a financial program through which funds will be available to complete the training of students who enroll in nonpublic career education independent postsecondary, vocational, technical, trade and business schools that cease operations before the students have completed the program. This rule shall apply regardless of whether the cessation of the school's operations is pursuant to: a decision by the school; an order from the Board; an action by another governmental entity; or any other cause.

(3) No change.

(4) Computation and Payment of Assessment.

(a) The amount of the assessment due from each licensed school shall be computed by multiplying the "amount per student" which applies to each program offered by the school by the sum of the new starts which occurred in that program during the applicable counting period and by summing the total amount due for each program.

(b) The counting period shall be the period of July 1 through June 30, which precedes the date of expiration of the school's current license. ~~For schools that hold a license on the effective date of this rule, the first counting period shall begin on the effective date of this rule.~~ For schools that are granted initial licensure, ~~after the effective date of this rule~~ the first counting period shall begin on the date the initial provisional license is issued.

(c) Each school shall remit the total assessment due with its Renewal Application Report, except that a school holding a biennial license shall also submit the total assessment due for each new start during the first counting period during its biennial license period with the report submitted at the close of the first year of a biennial license period. The payment ~~shall be made by check or money order payable to the State of Florida,~~ and shall be submitted with Form SPF1, Transmittal of Student Protection Fund Fee, as incorporated by reference in Rule 6F-4.001, FAC.

(d) For programs offered by correspondence or distance education and for programs offered as a combination of distance education and residential training, only Florida students shall be counted for purposes of computing the assessment. For purposes of this rule a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address, and is a student who begins attendance in a residential portion of a combination program at a location within Florida. For purposes of determining the applicable "amount per student", the residential training portion of a combination program shall be treated separately from the distance education portion. If a student attending a residential portion of a combination program at a location within Florida is a resident of a state where the licensed school contributes to a student protection fund, the school will not be required to contribute for that student in Florida.

(e) For programs which are not distance education courses and are offered by schools located outside of Florida which are licensed in Florida for purposes of soliciting and recruiting students from within Florida, the assessment shall be due only for students who resided in Florida at the time the student was enrolled.

(f) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school or for denial of an application for license renewal. ~~If a student attending a residential portion of a combination program at a location within Florida is a resident of a state where the licensed school contributes to a student protection fund, the school will not be required to contribute for that student in Florida.~~

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e),(2)(g), 246.213(1) FS. History--New 10-3-91, Amended 12-4-95, 9-9-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Minimum Standards for Licensure of Schools RULE NO.: 6F-2.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the list of examinations/instruments designated to assess student mastery of basic skills; amend a credential classification; place all requirements for distance education schools in one section of the rule; and remove the minimum placement percentages for schools that are exclusively distance education with no residential requirement component to the program. The effect is to provide a rule that is current and comprehensive thus providing stability and consistency in the licensure process.

SUMMARY: This rule amendment amends the list of basic skills assessment instruments; specifies the credential nomenclature for the specialized degree; places all requirements for distance education schools in one section of the rule; and removes the minimum placement percentages for schools that are exclusively distance education with no residential requirements component of the program. The minimum retention requirements for distance education schools remains unchanged.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213. 246.222 FS.

LAW IMPLEMENTED: 246.207(1)(d), 246.213(2)(a)(b)(d), 246.215(1), 246.222 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 323901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.002 Minimum Standards for Licensure of Schools.

(1) through (2) No change.

(3) Financial standards for licensed schools.

The financial statement for a new school shall be submitted on Form FS-1 as incorporated by reference in Rule 6F-4.001, FAC. The financial statement for a renewal of a license shall be accompanied by a current financial statement attested to by the chief administrative officer for the purpose of showing that the financial resources of the school are adequate to fulfill its instructional and business obligations.

(a) through (e) No change.

(f) If any school does not meet the above requirements, the Board, at its discretion, shall take the following action:

1. Deny the issuance of an initial license; or

2. Deny renewal of the school's license; or

3. Require that the school show cause why its license should not be revoked; or

4. Require that school owners, representing over fifty (50) percent of equity ownership and voting control, enter into a train-out guarantee with the Board; or

5. Require the school to post an acceptable bond with the Board in an amount sufficient to ensure the payment of all train-out costs for which the school may be obligated; or

6. Require the school to deposit and hold in an escrow account, under terms and conditions approved by the Board, all tuition receipts from any and all students, except that portion of such receipts representing the prorata portion of tuition to be earned during the thirty (30) days next following receipt of any such funds; or require the school to submit a financial improvement plan. A financial improvement plan includes a written business plan demonstrating the institutions rationale

for its financial circumstances, projections demonstrating an organized approach at bringing the institution into compliance, and a written one (1) year, five (5) year budget/projection; or

7. Provide the Board with quarterly financial statements and budgets; or

8. Revoke the school's license.

(4) No change.

(5) Basic Skills. A school offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls. A student may be exempted from this provision by providing evidence of a high school diploma or general equivalency diploma, or demonstrate the student's ability to benefit from the program of study. The following ~~instruments examinations~~ examinations are designated to assess student mastery of basic skills and shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, ~~1992~~ 1985) as incorporated by reference in Rule 6A-10.040, FAC.:

(a) Test of Adult Basic Education (TABE) – Complete battery or Survey Form, Forms 7 & 8, 1994; or 1986: Forms 5 & 6 complete battery or the Tests of Adult Basic Education Survey Form.

(b) Adult Measure of Essential Skills (AMES) 1997; or Basic Learning Examination (ABLE), Levels 1,2,3.

(c) Comprehensive Adult Student Assessment System (CASAS), (To be used with limited English proficient students) Levels A,B,C; or

(d) Tests of Adult Basic Education – Work Related (TABE-WR), 1994; or

(e) Wonderlic Basic Skills Test (WBST), 1994.

1. Minimum basic skills grade levels in mathematics and language are defined in each vocational program description in accordance with Rule 6A-6.0571, FAC.

2. Students deemed to lack the required minimal level of basic skills as measured by one of the designated examinations shall be provided with instruction specifically designed to correct the deficiencies.

3. Upon completion of the instruction, the students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination.

4. A school desiring to administer an entry level basic skills test not identified in this rule or not previously approved by the Board for use as an entry level basic skills test shall submit for Board approval a written request. This must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills.

5. Schools must maintain copies of student's high school diplomas, general equivalency diplomas or official high school transcripts to meet the exemption requirements of this rule.

6. Schools that use the ability to benefit exemption must use a test approved by the United States Department of Education and administered by an independent tester. Acceptable entrance scores must be in accordance with the standards of the individual examination as it relates to the student program. These test scores must be published in the current school catalog.

7. Visitations to school premises, use of school facilities, or periods of internship at off-premises facilities, shall bear a direct relationship to the occupational goal and shall be clearly indicated in the program and the school catalog.

8. The Board shall recognize the following credentials for the satisfactory completion of a program:

a. Certificate: For a course or program with specific identification on the certificate to identify if the issuance is for a course or program.

b. Diploma: For an occupational program.

c. Occupational Specialized Associate Degree: For a program which contains a minimum of one thousand two hundred (1200) hours of instruction or the credit hour equivalent.

(6) through (8) No change.

(9) Student Services. Each school shall provide at least the following student services:

(a) through (b) No change.

(c) If the school's placement percentage is less than sixty (60) percent, the school shall submit additional placement reports for three (3) consecutive reporting periods and the school shall submit a placement improvement plan to include ~~but not be limited to~~ the following:

1. Placement personnel,
2. Placement process,
3. Job development,
4. Forms and data collection, and
5. Statistical information.

(10) Distance education/Correspondence Schools.

(a) No change.

(b) Distance Education/Correspondence schools also shall furnish the following to the Board for each program offered:

1. First twenty-five (25) percent of lessons and an outline of the balance.

2. An inventory of equipment and materials to be provided the student.

3. A detailed description of how each distance education/correspondence program shall be conducted including procedures for distribution, examination, counseling, progress reporting, and placement.

4. If the retention percentage for a distance education/correspondence school is less than twenty (20) percent, the school shall submit additional retention reports for three (3) consecutive reporting periods and the school shall submit a retention improvement plan to include the following:

a. The school's mission and philosophy in regards to retention.

b. Staff assigned with retention responsibilities.

c. The retention process utilized by the school.

d. Forms and data collection.

e. Statistical information.

5. If the placement percentage for a combination distance education/correspondence residential school is less than sixty (60) percent, the school shall submit additional placement reports for three (3) consecutive reporting periods and the school shall submit a placement improvement plan to include the following:

a. Placement personnel.

b. Placement process.

c. Job development.

d. Forms and data collection, and

e. Statistical information.

Minimum placement percentages are not required for distance education/correspondence schools which are exclusively distance education/correspondence with no residential requirement.

Specific Authority 246.207(1)(e), 246.213, 246.222 FS. Law Implemented 246.207(1)(e), 246.213(2)(a)(b)(d), 246.215(1), 246.222 FS. History--New 12-19-74, Formerly 6F-5.01, Amended 7-26-78, 11-14-78, 5-10-84, Formerly 6F-2.02, Amended 5-27-87, 7-16-89, 7-17-90, 5-14-91, 10-3-91, 3-29-93, 12-4-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Fair Consumer Practices

RULE NO.: 6F-2.0024

PURPOSE AND EFFECT: The purpose of this rule amendment is to address withdrawal fees, catalog requirements, refund policies, and to bring the rule into compliance with other rules by specifying the classification of the credentials awarded by the schools. The effect is to clarify the requirements for the schools and provide a rule that is comprehensive, concise, and current.

SUMMARY: The rule outlines fair consumer practices for schools in regards to student records, admission policies, refund policies and fees, school catalog and contract, program

curriculum and school closure. This rule amendment addresses withdrawal fees, refund policies, credentials, contract, and catalog requirements.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(2)(a), 246.2235 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32390

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0024 Fair Consumer Practices.

(1) No change.

(2) Records of each student's progress, enrollment attendance, transcript, enrollment agreement, conduct, and placement shall be permanently retained by each school, its successors or assignees. Student records shall be maintained in a fire resistant container or duplicate records shall be kept at a separate location. Each school shall periodically issue grade and progress reports to students. The records of progress and enrollment attendance of a student shall be made available to such student upon request, at no charge, at a time convenient to the school but not less than fifteen (15) days after receipt of the request.

(3) through (6) No change.

(7) Admissions and Enrollment

(a) The school shall use a written ~~an~~ enrollment agreement or contract which, in addition to the catalog, shall be the binding agreement between the school and the student.

(b) ~~The A-written-enrollment-agreement-or-contract between-the-school-and-the-student-shall-be-utilized. Such enrollment agreement or contract must conform to applicable federal and state laws and regulations and to the rules of the Board. The enrollment agreement or contract shall include, but not be limited to, the following:~~

1. Title. The enrollment agreement or contract shall be identified by title as a "Contract", "Agreement", or similar title and clearly indicate that it will constitute a binding agreement

upon acceptance by the school. The words "Registration" or "Application" shall not be used in the title of the enrollment agreement or contract.

2. Name of school. Name, phone number and address of the school.

3. Title of program. Program title as licensed and identified in the catalog.

4. Time required. Number of hours, weeks or months required for completion.

5. Credential for satisfactory completion. Title of the credential awarded upon successful completion (certificate, diploma, occupational specialized associate degree).

6. Costs. All costs shall be clearly stated:

a. Tuition. The total tuition for the program. Tuition shall not be discounted.

b. Registration fee. The registration fee shall be no more than one hundred fifty (150) dollars. A statement shall be made when the registration fee is included in the total tuition for the program. Schools charging a withdrawal fee may charge no more than one hundred (100) dollars or ten (10) percent of the total tuition for the program whichever is less.

c. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the enrollment agreement states that the costs for books and supplies are included in the tuition charges as stated in the enrollment agreement.

d. Any other costs. Any other costs required to be paid by students, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition, such as uniforms, tools, room, board, etc.

e. Terms of payment. The method and terms of payment of all costs shall be clearly stated in the enrollment agreement and shall comply, where applicable, with 15 USC sec. 1601, et seq, Consumer Credit Disclosure and 12 CFR Part 226, Truth-in-Lending Regulations, and Chapter 516, Florida Statutes, Consumer Finance and Chapter 520, parts ii and v, Retail Installment Sales.

7. Class starting and ending date. In the event the school postpones the stated class starting date, the student's rights under the stated refund policy remain in effect.

8. Daily class schedule. All day, morning, afternoon, evening, split, or other significant schedule or a statement as to how selection of schedule is to be made.

9. Termination by school. Grounds for termination of enrollment agreement or contract by the school prior to the student's completion, such as insufficient progress, nonpayment of costs, failure to comply with rules, etc., shall be clearly stated in the enrollment agreement or contract.

(8) Refund Policy

~~(a)~~ The school's refund policy shall be based on the total length of the program and all monies collected. Details of the school's own definite and established refund policy for cancellation and termination of an enrollment agreement or contract which, as a minimum, shall ~~comply with the regulations of nationally recognized accrediting agencies, and shall~~ contain at least the following:

~~(a)1-~~ Student cancellation or withdrawal. The procedures to be followed by the student who wishes to cancel or voluntarily terminate the enrollment agreement or contract.

~~(b)2-~~ Length of school year. The period of time, the portion of the program, or the length of the program for which the student will be financially obligated. ~~The length of the school year used for refund computation purposes, if any program or combination of programs require nine (9) months or longer.~~

~~(c)3-~~ The duration of the add/drop period. The institution shall disclose the duration of the add/drop period, which shall be no shorter than ten (10) percent or two (2) weeks whichever is shorter of the period of financial obligation. The institution's refund policy shall contain provisions for refund of all funds paid for the period of financial obligation if the student withdraws prior to the conclusion of the add/drop period. These funds shall be refunded within thirty (30) days of the date of withdrawal, defined as the date on which the student notifies the institution of the withdrawal, or of the date on which the institution determines that the student has withdrawn. Official termination date. The method of determining the official termination date and the percentages of the program, or the year, completed. This date shall be considered as the last day of actual attendance unless earlier written notice is received.

~~(d)4-~~ Rejection by the school. Full refund of all monies paid by the applicant if rejected by the school.

~~(e)5-~~ Three-day (3) cancellation. Applicant shall receive a full refund of all monies paid if, within three (3) business days after signing the enrollment agreement or contract and making an initial payment, the applicant cancels the enrollment agreement or contract regardless of whether training has commenced.

(9) through (15) No change.

(16) Each institution shall provide all students with a Board approved school catalog. This catalog is the legal representation of the institution. The publications of the school shall meet the following requirements:

(a) through (b) No change.

(c) The school catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, charges and fees, and shall include, but not be limited to the following items:

1. Identifying data, such as volume number and date of publication. Pages of the catalog shall be numbered and included in a table of contents or index in the catalog.

2. Name of the school, address, and phone number, legal ownership, name and address of the governing body, current officers of the corporation, and names of all officials and faculty.

3. A calendar of the school showing school holidays and vacation days; the beginning and ending date of each quarter, term, or semester; and any other important dates. Changes after publication shall be attached.

4. The school's policy and regulations on leave, absences, make-up work, tardiness, and interruptions for unsatisfactory attendance.

5. The school's policy and regulations on enrollment with respect to dates of enrollment and specific entrance requirements for each program.

6. The school's policies and regulations on standards of progress required of the student. This policy shall define the grading system of the school; the minimum grades considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if allowed by the school; and conditions of re-entrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding the record of academic progress kept by the school and furnished to the student.

7. The school's policies and regulations on student conduct and conditions of dismissal for unsatisfactory conduct.

8. Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges. Changes after publication shall be attached.

9. The school's policies and regulations on the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the program, withdraws, or is discontinued therefrom in accordance with Rule 6F-2.0024(8), FAC.

10. For each program offered by the school, an outline of the program, a description of each course within the program, type of work or skill to be learned, and, the actual credit hours or clock hours to be spent on each course and for the total program. For purposes of this rule, a clock hour is defined as comprising a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction in the presence of an instructor.

11. A description of the available space, facilities, and equipment.

12. The school's policy and regulations on granting credit or advanced standing for previous education and training.

13. The school's policies and regulations on the awarding of a diploma, certificate, or specialized occupational associate degree, as evidence of successful completion of a course or program.

14. The statement, "Licensed by the State Board of ~~Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools~~, Department of Education, The Florida Education Center, Tallahassee, Florida 32399."

Specific Authority, 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.2235 FS. History--New 11-27-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: Fee Schedule RULE NO.: 6F-2.0026

PURPOSE AND EFFECT: The purpose of this rule is to provide the institutions regulated by the State Board of Nonpublic Career Education with a complete listing of all licensure fees. The effect is to provide more stability and consistency in the licensure process.

SUMMARY: The rule provides a complete listing of all the licensure fees for nonpublic career education schools.

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 the notice.

SPECIFIC AUTHORITY: 246.205(1), 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e),(2)(g), 246.213(1), 246.215(1), 246.207, 246.217(4)(a), 246.219, 246.2235(6) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.0026 Fee Schedule.

All license fees are non-refundable and must be received prior to board consideration of each action. Pursuant to the authority in Section 246.219, Florida Statutes, the license fees for nonpublic career education for independent postsecondary, vocational, technical, trade and business schools are:

- (1) Licensure
 - (a) Institution Application Fee (New School) \$2,000.00
 - (b) Annual Institution Renewal Fee 1,500.00
 - (c) Biennial Institution Application Fee 2,500.00
- (2) License Modification
 - (a) New Program 300.00
 - (b) Modification of Existing Program 300.00
 - (c) School Name Change 150.00
 - (d) Re-Issuance of School License 100.00
- (3) Extensions, Late Fees, Exemptions
 - (a) Late Fee/Renewal Application Report 500.00
 - (b) License Extension (First) 250.00
 - (c) License Extension (Second) 500.00
 - (d) License Extension (Third) 750.00
 - (e) Exemptions 500.00
- (4) Agent License Fees
 - (a) Initial Fee for Agent's License 100.00
 - (b) Renewal Fee for Agent's License 50.00
 - (c) Criminal Justice Information Fee (Initial Agent License Only) 25.00
- (5) Student Protection Fund Fees

Program Hours	Amount Per Student
(Clock or Credit Hour Equivalent)	
1 – 300	\$1.00
301 – 600	2.00
601 – 900	3.00
901 – 1200	4.00
1200 and above	5.00

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e)(2)(g), 246.213(1), 246.215(1), ~~246.207(2)(g), 246.217(4)(a), 246.219, 246.2235(6) FS.~~ History—New 11-27-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: School Descriptive Inventory
RULE NO.: 6F-2.003

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the classification for programs and courses. The effect is to provide a rule that is concise and comprehensive and to provide stability and consistency in the licensure process.

SUMMARY: The rule amendment clarifies the nomenclature for programs and courses.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.003 School Descriptive Inventory.

(1) through (2) No change.

(3) The school descriptive inventory shall include the following specific information and documents:

(a) through (e) No change.

(f) The school shall submit the name, address, and qualifications of all owners, officers, directors, administrators and instructional personnel to the Board on ~~of~~ Form 7, Instructional and Administrative Personnel, as incorporated by reference in Rule 6F-4.001, FAC., ~~at the same time application for licensure is filed.~~ Schools accredited by nationally or regionally recognized accrediting agencies may submit forms accepted by the accrediting agencies in lieu of Form 7. The Board shall be notified in writing by the school within thirty (30) days after the date of dismissal or resignation of any member of the administrative or instructional staff. The name, address, and qualifications of all new administrative and instructional staff shall be submitted to the Board within thirty (30) days after employment.

(g) through (h) No change.

(i) The descriptive inventory shall contain a list of all programs; a brief description of the content of each program; the hours for each program; the number of lessons for each distance education program; and the average number of hours required for a student to complete each lesson and a list of outcomes/student competencies. The classification of program shall be used to identify the complete licensed curriculum. The classification of courses shall be used to identify the individual subject within the licensed program curricula. A school may apply for licensure in either clock hours or credit hours. Program requirements may be reported in either clock hours or credit hours based on criteria used in applying for licensure. For purposes of this rule, a clock hour is defined as comprising a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction in the presence of an instructor. The credit conversion formula shall be: one quarter credit is equal to ten (10) hours of lecture, twenty (20) hours of laboratory, or thirty (30) hours of internship/clinical. One (1) semester credit is equal to fifteen (15) hours of lecture, thirty (30) hours of laboratory, or forty-five (45) hours of internship/clinical.

(4) The school shall submit a completed Form 10 (Dictionary of Occupational Titles), incorporated by reference in Rule 6F-4.001, FAC., which outlines the program title, program objective, program description, type of credential issued, entrance requirements, program length, tuition, and a complete program breakdown by course.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS. History--New 12-19-74, Formerly 6F-4.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.03, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 11-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION
State Board of Nonpublic Career Education

RULE TITLE: Advertising
RULE NO.: 6F-2.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to bring the rule into compliance with Florida Statutes and delete obsolete language. The effect is to provide a rule that is current and concise.

SUMMARY: This amendment bring the rule into compliance with Section 246.203(7), Florida Statutes, and deletes obsolete language relating to courses.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.213.(2), 246.215(3), 246.228(1)(h) FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.004 Advertising.

(1) through (3) No change.

(4) When licensed, only the following phrase may be used: Licensed by the State Board of Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools, License No. _____. The use of any other phrase or form shall be considered a violation of the rules of the Board.

(5) through (8) No change.

(9) Statements, direct or implied, assuring or guaranteeing a job or membership in a union or other organization as a result of completing a ~~course or~~ program of instruction shall not be used.

Specific Authority 246.207(1)(d), 246.213 FS. Law Implemented 246.213(2), 246.215(3), 246.228(1)(h) FS. History--New 12-19-74, Formerly 6F-5.01(1)(g), Amended 7-26-78, 5-10-84, Formerly 6F-2.04, Amended 5-27-87, 11-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: RULE NO.:

Agents; License Required 6F-3.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the procedures for submitting fees for an agent license and the fee for the cost of obtaining criminal justice information. The effect is a rule that is clear, concise and understandable for the affected institutions and the agents representing them.

SUMMARY: This rule amendment clarifies the procedures for submitting fees for an agent's license and the related investigation fees.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000

PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-3.001 Agents; License Required.

(1) Each person seeking a license to operate as an agent for a ~~nonpublic career education of an independent postsecondary vocational, technical, trade, or business~~ school as specified in Section 246.215(2), Florida Statutes, shall file with the Board a completed and notarized application on Form 4, Application for Agent's License prescribed in Rule 6F-4.001, FAC.

(a) If the school to be represented is located outside the State of Florida, the institution must be licensed by the Board.

(b) Each applicant for an agent's license must submit with the application an affidavit that the school shall be honestly and accurately represented and verification that agent has been trained.

(c) If the applicant is to represent more than one (1) school, a license shall be obtained for each school to be represented. An agent's license is not transferable and is valid only for the representation of the school as indicated on the agent's license.

(2) through (4) No change.

~~(5) Fees for agents representing schools are prescribed in Rule 6F-2.0026, FAC. Fees for the initial agent license and fees for the annual renewal thereafter shall be transmitted with Form 5, Transmittal of Agent's Application Fee, as incorporated by reference in Rule 6F-4.001, FAC. A fee for the cost of obtaining criminal justice information shall also accompany the initial agent application. Fees for agents representing schools shall be one hundred dollars (\$100.00) upon application and fifty dollars (\$50.00) thereafter for renewal, and shall be transmitted with Form 5, Transmittal of Agent's Application Fee, prescribed in Rule 6F-4.001, FAC. Each initial application for an agent's license shall also be accompanied by a fee of twenty-five dollars (\$25.00) for the cost of obtaining criminal justice information.~~

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS. History—New 12-19-74, Formerly 6F-5.01(2), Amended 10-7-75, 7-26-78, 5-10-84, Formerly 6F-3.01, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF EDUCATION

State Board of Nonpublic Career Education

RULE TITLE: RULE NO.:

Agents, Qualifications, Training, Limitation of Authority, Responsibility of Schools, Agents, and Applicants 6F-3.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide updated information relating to fees for agents of nonpublic career education schools. The effect is to provide updated information for interested parties.

SUMMARY: This rule amendment provides updated information relating to fees for agents of nonpublic career education schools.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213(1) FS.

LAW IMPLEMENTED: 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000
PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-3.002 Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants.

(1) ~~To aid in carrying out the objectives and purposes of Sections 246.201(3) and 246.213(3), Florida Statutes, the Board finds it necessary that each school which employs agents, e~~Each agent and each applicant for licensure as an agent shall be required to bear and fulfill responsibilities and duties as stated in this rule.

(2) through (6) No change.

(7) Each school shall be accountable for the representations made by, and the actions of its agents. The ~~a~~Agent shall be under the control and direct supervision of the school. The school shall be responsible pursuant to Rule 6F-3.002, FAC., for requiring each agent to demonstrate knowledge of statutes and rules related to the authority granted to agents and the limitations imposed upon such authority. The school shall be subject to disciplinary action pursuant to Section 246.228, Florida Statutes, if an agent, in representing the school, is found to be in violation of Rules 6F-1.001 through ~~6~~F-4.001, FAC., and Sections 246.201 through 246.231, Florida Statutes.

(8) ~~A school shall have an agents' training program approved and in time to provide the training to each applicant for an agents' license to represent that school who applies for such license on or after the effective date of this rule. Beginning on the effective date of this rule the Board will issue an agent's license only to applicants who submit the attestation described and prescribed in accordance with subsection (5) of this rule. Beginning on the effective date of this rule, schools and agents shall be subject to disciplinary action for any violation or failure to comply with subsections (6) and (7) of this rule.~~

Specific Authority 246.207(1)(e), 246.213(1) FS. Law Implemented 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS. History--New 7-17-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

**DEPARTMENT OF EDUCATION
State Board of Nonpublic Career Education**

RULE TITLE: License Application Package
RULE NO.: 6F-4.001

PURPOSE AND EFFECT: The purpose of this amendment is to provide an application package for schools seeking licensure and to inform the public where to obtain this package. The effect is to provide a standardized application package for reporting data and information.

SUMMARY: This rule is amended to adopt revised forms to be used by schools seeking licensure.

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 the notice.

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS.

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

TIME AND DATE: 9:00 a.m., December 12, 2000
PLACE: Council Chambers, City Hall, 900 East Strawbridge Avenue, Melbourne, Florida 32901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-4.001 License Application Package.

The following forms are hereby incorporated by reference in this rule to become effective ~~January 2001~~ November, 1995. Copies may be obtained without cost by writing to the State Board of Nonpublic Career Education Independent Postsecondary Vocational, Technical, Trade and Business Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(1) Form 1, Request for Statement of Exemption ~~Claim for Exclusion~~.

(2) Form 1se, Transmittal of Statement of Exemption Fee.

(3)(2) Form 2, Application for Institutional License.

(4)(3) Form 3, Transmittal of Institution Application Fee.

(5)(4) Form 3sa, Transmittal of Institution Supplemental Application Fee.

- (6)(5) Form 3le, Transmittal of Fee for Extension of License.
- (7)(6) Form 3lr, Transmittal of Fee for Re-Issuance of License.
- (8)(7) Form 3mm, Transmittal of Miscellaneous Monies
- (9)(8) Form 4, Application for Agent's License.
- (10)(9) Form 5, Transmittal of Agent's Application Fee.
- (11)(10) Form 5cj, Transmittal of Criminal Justice Information Fee.
- (12)(11) Form 6, Institutional Descriptive Inventory.
- (13)(12) Form 7, Instructional and Administrative Personnel.
- (14)(13) Form 8, Renewal Application Report.
- (15)(14) Form 9, Transmittal of Institution Renewal Fee.
- (16)(15) Form 10, Dictionary of Occupational Titles. (D.O.T.)
- (17)(16) Form FS-1, New School Financial Statement Balance Sheet.
- (18)(17) Form FS-2, Financial Statement. Projected Income and Expenses.
- (19)(18) Form SPF1, Transmittal of Student Protection Fund Fee.
- (20)(19) Form SPF2, Student Protection Fund Fee Worksheet.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History New 12-19-74, Amended 7-26-78, 5-10-84. Formerly 6F-4.01, Amended 5-27-87, 7-16-89, 7-17-90, 10-3-91, 3-29-93, 11-27-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Competitive Selection	40C-1.704
Competitive Negotiations	40C-1.705
Proposal Selection	40C-1.716
Competitive Negotiations for Design-Build Services	40C-1.717
Rejection of Proposals	40C-1.718
Emergency Procurement	40C-1.719

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to amend the District's contracting rules with regard to the Consultants Competitive Negotiations Act to

provide for the delegation of certain contractual procedures to the Executive Director or designated staff as authorized by Section 373.083, F.S.

SUMMARY: The proposed rules will delegate the District Governing Board's authority to contract under Section 287.055, F.S.

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

Any person who wishes to provide information regarding a 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: 287.055, 373.044, 373.113 FS.

LAW IMPLEMENTED: 287.055, 373.083(1),(5) FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., December 13, 2000

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-1.704 Competitive Selection.

(1) through (2) No change.

(3) District staff will then recommend to the Board that competitive negotiations be instituted with the firms selected. However, when the fee for professional services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected, and the Executive Director or designee is authorized to finalize the list of firms in order of preference. For the purpose of sections 40C-1.704 and 40C-1.705, F.A.C., the term "designee" means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

Specific Authority 373.044 287.055, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History-New 8-1-89, Amended 10-19-89, 3-14-90, _____.

40C-1.705 Competitive Negotiations.

(1) After ~~the Board has authorized the beginning of~~ competitive negotiations have been authorized, the District staff Executive Director, or his designee, shall begin contract

negotiations for professional services with the designated firms in order of rank for fair, competitive and reasonable compensation.

(2) No change.

(3) If a satisfactory agreement is not reached with any of the initial firms, additional responding firms shall be ranked and listed in the order of their competence and qualifications. Negotiations shall then continue beginning with the first named firm on the second list until an agreement is reached. After successful negotiations, a recommendation shall be made that the contract be awarded. The Executive Director or designee is authorized to award the contract ~~Board award the contract.~~

(4) If, with the concurrence of the Board Chair, the Executive Director, or ~~his~~ designee, determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of professional services necessitated by the emergency without competition, upon approval of the Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History–New 8-1-89, Amended 10-19-89, 6-17-91, _____.

40C-1.716 Proposal Selection.

(1) through (5) No change.

(6) District staff will then recommend to the Board that the Board approve a ranking of designated firms and that competitive negotiations be instituted with the designated firms. However, when the fee for design-build services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected. Thereafter, the Executive Director or designee is authorized to approve a ranking of designated firms and to authorize the initiation of negotiations. For the purpose of sections 40C-1.716 through 40C-1.719, F.A.C., the term “designee” means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

~~(7) After reviewing all the proposals and District staff's recommendations, the Board will select one firm and authorize the Executive Director or designee to contract or negotiate with that firm.~~

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History–New 9-25-90, Amended 6-17-91, _____.

40C-1.717 Competitive Negotiations for Design-Build Services.

(1) ~~When authorized by the Board, Tthe District staff Executive Director or designee shall begin contract negotiations for design-build services with the designated firms in order of rank for fair, competitive and reasonable compensation.~~

(2) Should negotiations with the most highly-ranked firm prove unsuccessful, as determined by the Executive Director or designee, negotiations with that firm shall cease and negotiations shall begin with the next most highly-ranked firm. Negotiations shall continue in accordance with this section until an agreement is reached. The Executive Director or designee is authorized to award the contract.

(3) No change.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History–New 9-25-90, Amended 6-17-91, _____.

40C-1.718 Rejection of Proposals.

(1) The Executive Director or designee ~~Board~~ reserves the right to reject any and all proposals, provided such action is done in good faith, and is not arbitrary and capricious.

(2) If the Executive Director or designee ~~Board~~ finds it necessary to reject all the proposals, a written statement to this effect shall be placed in the proposal file and the proposers shall be notified. The District then may republish the request for qualifications, with any appropriate modifications at the direction of the Executive Director or designee ~~Board~~. Any interested firm will have the opportunity to submit or resubmit its qualifications to the District for consideration.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History–New 9-25-90, Amended 6-17-91, _____.

40C-1.719 Emergency Procurement.

~~If, with the concurrence of the Board,~~ the Executive Director or designee determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of the design-build services without competition, ~~upon approval by the Board.~~ The Executive Director or designee shall promptly notify the Board Chair or Vice-Chair of the emergency action.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History–New 9-25-90, Amended 6-17-91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John W. Williams, Deputy General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, (904)329-4154
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

If any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
 RULE CHAPTER NO.: 40D-3

RULE TITLE: Well Completion Report
 RULE NO.: 40D-3.411

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the time-frame within which well completion reports must be submitted to the District. The amendments will also provide specific information requirements and applicable time-frames regarding District requests for a well construction record prior to the submittal of the well completion report.

SUMMARY: The proposed rule revisions will: (1) Change the time of submittal from 30 days following completion of the work authorized by the permit to within 30 days of the expiration of the permit; (2) Require a record of well construction if any drilling problems are encountered during well construction, provide that the District's request for such a record may be either orally or in writing, and provide that the record must be submitted to the District within seven days of the District's request; (3) Specify the information that must be included in the record of well construction.

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 Rule 40D-3.411, 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, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.308, 373.309, 373.313 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: Karen E. West, Deputy General Counsel, 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-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor shall submit to the District the form entitled, "Well Completion Report," form number 41.10-410(2)REV.6/95, within 30 days of the expiration of the permit of completion of the work authorized by the permit.

(b) If no work is performed or if the well is not completed, a completion report shall be filed within 30 days of the expiration of the permit stating that no well construction was performed or completed under the permit.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor shall provide the record within 7 days of receipt of the District's request.

(d) The record of the well construction shall include the depth of the well, the depth of the well casing, the amount of grout material used, and a description of the geologic material and any drilling problems encountered during the well construction.

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair, modification or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Const. Reg. Mgr., Well Const. Perm., 2379 Broad Street, Brooksville, FL 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: August 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Unauthorized Use of Terms
 RULE NO.: 53-1.006

PURPOSE AND EFFECT: The purpose and effect of the proposed repeal of Rule 53-1.006, is to comply with s. 120.536(2)(b), F.S. and repeal a rule which may exceed the rulemaking authority permitted by the “map-tack” provision of s. 120.536(1), F.S.

SUMMARY: The Department of the Lottery is repealing a rule regarding unauthorized use of terms that may exceed rulemaking authority.

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.118(5)(b), 24.119 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 11, 2000

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-1.006 Unauthorized Use of Terms.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.118(5)(b), 24.119 FS. History—New 2-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Services
 RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, November 2000. The revised handbook contains the requirements for assignment of certain recipients to specified providers. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, November 2000. This handbook contains the requirements for lock-in of certain recipients to specific providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908 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., December 6, 2000

PLACE: Conf. Room A, Bldg. 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, November 2000 ~~July 1999~~, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(20)(48), 409.908 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-14-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue C. Preacher

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES:	RULE NOS.:
Prelicensure Education Requirements	61-20.5011
Fees	61-20.504
Prelicensure Education Provider Approval	61-20.510

PURPOSE AND EFFECT: The Council proposes to promulgate two new rules, one of the rules will address the prelicensure education requirements and the other rule will address the approval for prelicensure education providers. The Council proposes to amend Rule 61-20.504 to add two additional fees and the fee amounts to be adopted by the Council.

SUMMARY: The Regulatory Council intends to promulgate a new rule, numbered 61-20.5011, which will set forth the educational requirements for prelicensure. Rule 61-20.504 is being amended to add two additional fees to be adopted by the Council, one fee is for the application for prelicensure education providers and the other fee is for the renewal for prelicensure education providers.

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: 468.4315, 468.433(2)(d) FS.

LAW IMPLEMENTED: 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 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 RULES IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61-20.5011 Prelicensure Education Requirements.

(1) All community association manager applicants must satisfactorily complete a minimum of 18 in-person classroom hours of instruction of 50 minutes each within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite prelicensure education. Each contact hour shall consist of at least 50 minutes of classroom instruction.

(2) The 18 hours of prelicensure education shall be comprised of courses in the following areas:

(a) State and federal laws relating to the operation of all types of community associations, governing documents, and state laws relating to corporations and nonprofit corporations – 20%

(b) Procedure for noticing and conducting community association meetings – 25%

(c) Preparation of Community Association Budgets and Community Association Finances – 25%

(d) Insurance matters relating to Community Associations – 12%

(e) Management and maintenance – 18%

(3) Applicants who can document to the Council that they suffer from a disability or hardship shall be permitted to complete prelicensure education by either correspondence or on-line courses. Such documentation must be received and approved by the Council prior to enrolling and completing any correspondence or on-line prelicensure courses.

(a) The following shall constitute acceptable “hardships” as used in this rule:

1. The applicant’s residence is more than 70 miles from the nearest physical location where prelicensure education is taught.

2. Providers are not offering any in-person prelicensure education courses within the twelve months preceding the next available examination.

(b) “Disability” as used in this rule shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the applicant which would preclude the applicant from attending in-person prelicensure courses.

Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History–New _____.

61-20.504 Fees.

The following fees are adopted by the Council:

(1) through (14) No change.

(15) Application fee for prelicensure education providers \$250.00

(16) The renewal fee for prelicensure education providers \$250.00

Specific Authority 468.4315 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS. History–New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, _____.

61-20.510 Prelicensure Education Provider Approval.

(1) A prelicensure education provider is a person or entity approved pursuant to this rule to conduct prelicensure education courses for community association managers.

(2) Entities or individuals who wish to become approved providers of prelicensure education shall make application to the Council, on BPR form 33-012, entitled, “COMMUNITY ASSOCIATION MANAGER’S PRELICENSURE EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective _____, which copies may be obtained from the Council.

(3) Each provider application shall contain the following information, and shall be accompanied by the following documentation and other information as required by BPR form 33-012, referenced above.

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Council of any change of contact person within ten (10) days of the actual change.

(b) The identify and qualifications of all instructors who will be presenting courses during the period of providership. These qualifications at a minimum shall include instructional experience and:

1. A bachelor's degree and 2 years experience in the subject matter being taught; or

2. An associate's degree and 4 years experience in the subject matter being taught; or

3. Six years experience in the subject matter being taught. Should additional instructors be added during the period of providership, the provider shall notify the Council in writing of the new instructor's qualifications at least thirty (30) days prior to actually conducting the course.

(c) The appropriate precicensure education provider application fee pursuant to Rule 61-20.504(15).

(d) A course outline which describes the course's content and subject matter. A course outline shall address the following:

1. Learner Objectives. Objectives shall describe expected learner outcomes, how learner outcomes will be evaluated, and describe how the objectives will be obtained. The objectives shall describe the content, teaching methodology and plan for evaluation.

2. Subject Matter. The content shall be specifically designed to meet the objectives and the stated level and learning needs of community association managers. Specifically, it shall address one or more of the subject areas outlined in Rule 61-20.5011(2), F.A.C.

3. Materials and Methods. It shall be demonstrated to the Council that:

a. Learning experiences and teaching methods are appropriate to achieve the objectives;

b. Time allotted for each activity shall be sufficient for the learner to meet the objectives;

c. Principles of adult education are utilized in determining teaching strategies and learning activities; and

d. Currency and accuracy of subject matter will be documented by references or bibliography.

4. Evaluation. Participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(4) Precicensure education provider status shall be valid from the date of approval until May 31 of every even numbered year. Those seeking renewal of provider status must reapply on BPR form 33-012, referenced in Subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to Rule 61-20.504(16), F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for precicensure education.

(5) Once approved, providers shall comply with the following requirements:

(a) When advertising courses, providers shall disclose the number of hours assigned by the Council and the course subject area. Providers shall not advertise courses until they are actually approved by the Council.

(b) Providers shall maintain a system of record keeping which provides for storage of course offerings information.

(c) Records of individual courses shall be maintained by the provider for 4 years and shall be available for inspection by the Council.

(d) Providers shall furnish each participant with an individual certificate of attendance and completion of the course. A roster of participants shall be maintained by the provider for 4 years and shall be available for inspection by the Council. Providers shall maintain security of attendance records and certificates.

(e) The course provider shall submit to the Council a sample certificate of course completion that the course instructor shall provide each course participant if the participant completes the course. Such certificate shall include the course participant's name, the title of the course, precicensure education category, date completed and number of hours. The certificate shall be provided to the course participant at the completion of the course. The certificate of course completion shall contain, on its face, the following statement in capital letters in at least 12 point type:

IF YOU HAVE ANY CONCERNS THAT THE COURSE YOU HAVE JUST COMPLETED DID NOT MEET THE LEARNING OBJECTIVES SET OUT IN THE COURSE MATERIALS, DID NOT COVER THE SUBJECT MATTER OF THE COURSE, OR WAS A SALES PRESENTATION; PLEASE CONTACT THE COUNCIL'S OFFICE IN WRITING AT: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1040.

(f) All information or documentation submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department.

(g) Providers shall assure that sales presentations shall not be conducted, immediately before or after the administration of any courses pursuant to this rule.

(6) A prelicensure education provider initially approved during the last 90 days prior to May 31 of an even numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) The Council shall deny prelicensure education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Council.

(8) The Council retains the right and authority to audit all courses offered by any provider approved pursuant to this rule.

(9) The Council shall rescind the provider status if the provider disseminates any false or misleading information in connection with the prelicensure education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or are in violation of any of the provisions of Chapter 468, Part VIII or 455, Florida Statutes.

Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Distance Education Courses for Hardship Cases	61J1-4.006
Continuing Education for School Instructors	61J1-4.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to revise current requirements relating to continuing education and distance education providers.

SUMMARY: The proposed rule amendments revise current requirements relating to continuing education and distance education providers regarding course objectives, materials, approval, grading, modifications, testing and end of course examinations. The proposed rule changes additionally expand the types of educators that may provide continuing education to appraisers.

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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618 FS.

IF REQUESTED IN WRITING 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 5, 2000

PLACE: Office of Florida Real Estate Appraisal Board, Suite N-301, 400 West Robinson Street, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, ~~classroom~~ hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the board may request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98, _____.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 ~~classroom~~ hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, shall include an update of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A

minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. The list of approved courses may be obtained from the board at 400 West Robinson Street, Orlando, Florida 32801. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school a public or private school, firm, association, organization, person, corporation or society for appraisal continuing education credit. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be competed even if the completion date is after the expiration date. The criteria for approval shall be as set out in paragraph (3) below.

(3) Satisfactory completion of the board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of board prescribed course instruction.

(a) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep

the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(c) For purposes of this rule, "Application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "Knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course

material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5)(4) The Florida institution, organization, permitted licensed real estate school or board approved entity offering these board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, in the Florida Administrative Code.

(6)(5) These board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area vocational technical centers, accredited university universities, college colleges and community college colleges, state or federal agency agencies or

commission commissions, or proprietary by real estate school that holds a permit schools licensed pursuant to s. 475.451, Florida Statutes, or at a place approved by the board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(6) Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least 3 hours in length.

(7) Of the required 30 classroom hours, 5 hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

(8) Any current member of the Florida Real Estate Appraisal Board who attends at least 8 meetings of the board in a renewal period where disciplinary cases involving violations of the USPAP, amendments to the USPAP and revisions to Chapter 475, Part II, are discussed shall receive 30 hours of continuing education.

(9) Credit towards the continuing education classroom hour requirements of this rule may also be satisfied by teaching board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 4-6-98, 9-6-98, _____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure, or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, _____.

61J1-4.006 Distance Education Correspondence Courses for Hardship Cases.

(1) Distance education correspondence courses containing the same subject matter and requiring substantially the same work assignment will be prescribed by the Florida Real Estate Appraisal Board for any person who by reason of hardship cannot attend the place for classroom instruction prescribed in rules 61J1-4.001, ~~4.003~~, 4.007 and 4.008. These scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation. A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The approval or denial of the course will be based on the extent to which the course complies with the requirements set forth in Rule 61J1-4.001, ~~4.003~~, 4.007 or 4.008. Examination, if required, must test the course material. If course approval is denied, the course may be resubmitted with the mandated changes. Enforcement of said standards and requirements shall be the responsibility of the Florida Real Estate Appraisal Board and the Department of Business and Professional Regulation.

(2) A hardship case is defined to include any case wherein a person desiring to take the Florida Real Estate Appraisal Board prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted.

(3) Any person desiring to complete the education course by means of distance education correspondence shall make a request ~~therefore~~ to the Florida Real Estate Appraisal Board, in writing, setting forth the basis of the alleged hardship. The Florida Real Estate Appraisal Board will require said request to be supported by statement of doctors and other persons having knowledge of the facts.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History—New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98,_____.

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall rectify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 ~~classroom~~ hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the board. A school instructor is not required to complete the 21 ~~classroom~~ hours of rectification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) All board prescribed 21 ~~classroom~~ hours of instruction shall consist of one 7-classroom hour seminar conducted by the board and a minimum of 7 ~~classroom~~ hours of board approved instruction in real estate appraisal subjects and a minimum of 7

~~classroom~~ hours of board approved instruction consisting of an update of the in Uniform Standards of Professional Appraisal Practice (USPAP) as defined in s. 475.611(1)(m), Florida Statutes, a review and update of the Florida Real Estate Appraisal License Law and board rules, and an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 of the 7 update hours of shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. The 14 ~~classroom~~ hours ~~courses~~ of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the board. ~~The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry.~~ Requests for approval to offer the 7 ~~classroom~~ hours of instruction in real estate appraisal subjects and the 7 ~~classroom~~ hours of instruction in USPAP course(s) shall be made to the board at least 90 ~~60~~ days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 ~~30~~ days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set out in paragraph (4) below.

(3) Satisfactory completion of the board conducted 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of the remaining ~~classroom~~ hours of instruction is demonstrated by completing attending the board approved course(s) in accordance with the standards established by the board in Rule 61J1-4.003~~(3)~~, Florida Administrative Code.

(4) The institution, school or approved entity offering the board approved 7 ~~classroom~~ hours of instruction in real estate appraisal subjects and the 7 ~~classroom~~ hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and board rules, and other state and federal laws affecting real estate appraisals ~~courses~~ shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. The enforcement thereof shall be the responsibility of the board and the BPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005.

(a) The board shall approve any course, seminar or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization.

accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(b) Satisfactory completion of the board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each board prescribed course.

(c) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board-approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(5)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for

evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination

operator shall annually document through purchase receipts, records and sales receipts the beginning (January 1) and ending (December 31) VOC inventories, the amount of VOC's purchased during the year, and the amount of VOC's disposed of in the liquid phase during the year. The beginning of the year inventory, plus the amount purchased during the year, minus the amount disposed of in the liquid phase during the year, minus the ending VOC inventory will provide the amount of VOCs subject to the fee, for fee purposes, the emissions to the atmosphere.

3. The Department will approve alternate fee calculation methods if the responsible official demonstrates that such method is able to quantify emissions by a scientifically accurate and verifiable procedure. The use of AP-42 factors or individual stack tests, standing alone, are not normally considered scientifically accurate and verifiable procedures for determining annual emissions for fee purposes. All proposals shall be certified by a professional engineer registered in the State of Florida and shall be field-tested at the specific facility, unless the proposing responsible official demonstrates that field-testing is not practicable.

(f) through (g) No change.

~~(h) During the years 1993 through 1999, inclusive, no fee shall be required to be paid under this section with respect to any unit which is an affected unit under 42 U.S.C. s. 7651e.~~

(i) through (k) renumbered (h) through (j) No change.

(2) through (3) No change.

(4) Permit Fees Waived. ~~After December 31, 1992, n~~No permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872, 403.0877 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, _____.

62-213.300 Title V Air General Permits.

(1) through (2) No change.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator and upon the responsible official of any facility utilizing a Title V air general permit pursuant to this rule.

(a) The duration of the general permit is five years. No later than 30 days prior to the fifth anniversary of the filing of intent to use the general permit, the responsible official shall submit a new notice of intent which shall contain all current information regarding the facility. The general permit is not transferrable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the responsible official shall notify the Department of the pending action in accordance with Rule 62-210.300(7)(f), F.A.C.

(b) through (r) No change.

(4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.814 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 7-7-97, 11-13-97, 2-24-99, _____.

62-213.400 Permits and Permit Revisions Required.

Effective January 2, 1995, all Title V sources are subject to the air operation permit requirements of this chapter, except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(1) ~~After January 2, 1995, N~~o Title V source may operate except in compliance with this chapter.

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:

(a) through (j) No change.

(k) Is a request for industrial-utility unit exemption pursuant to Rule 62-214.340, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.400, Amended 11-23-94, 1-3-95, 4-18-95, 3-13-96, 2-11-99, _____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and Rules 62-4.050(1),(2) and 62-210.900, F.A.C.

(a) Timely Application.

1. through 3. No change.

~~4. The expiration dates of all air construction permits for Title V sources that expire between September 1, 1995, and November 1, 1996, are hereby extended to the later of November 1, 1996, or 240 days after commencing operation. Facilities with such air construction permits and which have not commenced operation on or before October 25, 1995, shall apply for a permit under the provisions of this chapter on the later of September 1, 1996, or 180 days after commencing operation.~~

~~4.5.~~ A Title V source which commences operation on or before October 25, 1995, but which contains an emissions unit that commences operation after October 25, 1995, shall submit a revision to its Title V permit application or an application for a permit revision, as applicable, no later than 180 days after the emissions unit commences operation. If the draft Title V permit that was requested under the provisions of Rule 62-213.420(1)(a)1., F.A.C., has not been sent to the applicant for public notice, the revision for such emissions unit shall be processed as part of the initial Title V permit as if it had been received pursuant to that rule. Any source that contains an emissions unit that has not commenced operation by the time that the source submits its initial application for a Title V

permit may include such emissions unit in the initial application, provided the source submits a compliance schedule and methodology, in accordance with the requirements of Rule 62-213.420(3)(1)(k), F.A.C., are met.

(b) No change.

(2) through (3) No change.

(4) Certification by Responsible Official. In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to this chapter shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information.

(5) Acid Rain Part. For those facilities subject to the Federal Acid Rain Program, any applicant that wishes separate processing of the Title V permit and the Acid Rain Part of a Title V permit shall request this at the time of initial or renewal application. In such case, the Department shall issue separate permits for the Acid Rain Provisions and for the Title V requirements, provided that the expiration dates (renewal dates) of both permit parts coincide for the duration of operation of the facility. There shall be only one Acid Rain Part for each facility. Each such permit shall be considered a Title V permit for purposes and requirements of this Chapter. The permit shield of Rule 62-213.460, F.A.C. shall apply to only those process and requirements included for each separate permit.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99,_____.

62-213.430 Permit Issuance, Renewal, and Revision.

(1) Action on Application. Except for those applications submitted pursuant to Rule 62-213.420(1)(a)1., F.A.C., the Department shall issue a draft permit or a determination that the requested permit be denied within 90 days after receipt of the latest of: the application; the last item of information requested pursuant to Rule 62-213.420(1)(b), F.A.C.; or, a written request to process the application without the requested information. If written comments received during the 30-day comment period result in a substantial change in this draft permit, the Department shall issue a revised draft permit within 45 days after the end of the 30-day public comment period, unless a different time period is agreed to between the applicant and the Department. A substantial change in a draft permit has the same meaning as “substantially modified” under

Rule 62-110.106(7)(a)4., F.A.C. The Department shall issue a permit, permit revision or renewal only after all of the following conditions have been met:

(a) through (c) No change.

(d) The Department has provided EPA with a copy of the draft permit, proposed permit and any notices required under Rule 62-213.450(1) and (2), F.A.C., and has not received written EPA objection to issuance of the permit within the time period specified in Rule 62-213.450(4), F.A.C. If the Department receives timely EPA objection, the Department shall not take final action until the Department receives written notice that the objection is resolved or withdrawn;

(e) No change.

(2) through (6) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99,_____.

62-213.440 Permit Content.

(1) No change.

(a) through (b) No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit All Title V permits for source subject to the Federal Acid Rain Program shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. through 3. No change.

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A provision that the source submit a Statement of Ceompliance with all terms and conditions of the permit using DEP Form No. 62-213.900(7). Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. Such statements shall be submitted (postmarked) to the Department and EPA;

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under this chapter; provided that, in either such case, the reporting period shall be the

portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as appropriate:

- 3. No change.
- (b) No change.
- (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99,_____.

62-213.450 Permit Review by EPA and Affected States.

(1) Transmission of Information to EPA. Unless waived by EPA, the Department shall provide to EPA a copy of each permit application, including any application for permit revision or permit renewal, each draft permit, each proposed permit, and each final permit. Unless a different time frame is agreed to between the applicant and the Department, the Department shall issue and forward the proposed permit to EPA for its 45-day review within 30 days after the conclusion of the comment period on the last draft permit; or, if the draft permit is the subject of an administrative hearing under ss. 120.569 and 120.57, F.S., the Department shall issue and forward the proposed permit to EPA no later than 30 days after the date the final order is required to be filed under s. 120.57(1)(k), F.S. The Department shall also provide notice to the applicant of the date that the Department forwards the proposed permit to EPA, within 10 days of forwarding the proposed permit.

- (2) through (4) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.450, Amended 2-11-99,_____.

62-213.460 Permit Shield.

Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect ~~as of the date of permit issuance,~~ provided that the source included such applicable requirements in the permit application. Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.

Specific Authority 403.061, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.460, Amended 11-23-94,_____.

62-213.900 Forms and Instructions.

The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective

date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) Major Air Pollution Source Annual Emissions Fee Form. (Effective _____ ~~2-11-99~~)
- (2) through (6) No change.
- (7) Statement of Compliance Form. (Effective _____)

Specific Authority 403.061 FS. Law Implemented 403.0872, 403.814 FS. History--New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-79R
 RULE CHAPTER TITLE: Requirements for Sources Subject to the Federal Acid Rain Program
 RULE CHAPTER NO.: 62-214
 RULE TITLES: Purpose and Scope 62-214.100
 Applications 62-214.320
 Acid Rain Compliance Plan and Compliance Options 62-214.330
 Exemptions 62-214.340
 Department Action on Applications 62-214.360
 Revisions and Administrative Corrections 62-214.370
 Acid Rain Part Content 62-214.420
 Implementation and Termination of Compliance Options 62-214.430

PURPOSE AND EFFECT: The Department is proposing to add a reference to federal regulations for Acid Rain Program definitions, add the option of separately processing and issuing the Acid Rain part of a Title V permit, amend Acid Rain rules in accordance with recent amendments to the Federal Acid Rain Program regulations, and amend the current rule language involving multi-jurisdictional compliance averaging plans to allow submission of a schedule for obtaining approvals from other states involved in such plans.

SUMMARY: The proposed amendments would affect certain sources subject to the federal acid rain program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding a 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872 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., Friday, December 8, 2000

PLACE: Room 153, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

THE FULL TEXT OF THE PROPOSED RULES IS:

62-214.100 Purpose and Scope.

This chapter outlines the additional permitting requirements for Title V sources that are subject to the Federal Acid Rain Program. The rules under this chapter set forth requirements for the Acid Rain Part of an operation permit for a Title V source which is subject to the Federal Acid Rain Program. The Department intends that this chapter shall implement and be consistent with the federal requirements of 40 CFR Part 72. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at either 40 CFR 72.2 or Rule 62-210.200, F.A.C. The provisions of 40 CFR Parts 72, 73, 75, and 76 referenced in this rule are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 3-13-96,_____.

62-214.320 Applications.

The designated representative of any Title V source containing an Acid Rain unit shall submit to the Department a complete Acid Rain Part application no later than the applicable deadline of this section. The Acid Rain Part application shall be submitted pursuant to this chapter and to Rule 62-213.420, F.A.C. The designated representative of an Acid Rain Source has the option of filing the Acid Rain Part application as a separate document from the Title V Air Operation Permit application and requesting separate processing. The Department shall process the Acid Rain Part application pursuant to Chapter 62-213. The owners and operators of such

source and any Acid Rain unit at the source shall not operate the source or unit without either an Acid Rain Part or a Title V permit which includes an Acid Rain Part, except that a source having a valid air construction or operation permit or a site certification pursuant to the Florida Electrical Power Plant Siting Act and for which the designated representative has submitted a timely and complete initial Acid Rain Part application shall be deemed in compliance with the Federal Acid Rain Program requirements provided that the designated representative submits all timely supplemental information as provided at Rule 62-213.420, F.A.C., and provided the source operates in compliance with the terms and conditions of the Acid Rain Part application during the Department's processing of the application.

(1) Timeliness. The designated representative shall submit a complete Acid Rain Part application as set forth below:

(a) through (h) No change.

(i) Pursuant to Rules 62-213.420(1)(a)3., and 62-213.430(3), F.A.C., the designated representative of any Title V source having a Title V permit with an Acid Rain Part shall submit a complete application for renewal of the Title V permit with an Acid Rain Part for each Acid Rain unit at the source, and the designated representative of a Title V source having a separate Acid Rain Part shall submit a complete application for renewal of the separate Acid Rain Part for each Acid Rain unit at the source.

(2) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97,_____.

62-214.330 Acid Rain Compliance Plan and Compliance Options.

(1) through (2) No change.

(3) The designated representative may include in the Acid Rain compliance plan a multi-unit compliance option pursuant to the requirements of 40 CFR 76.11, adopted and incorporated by reference at Rule 62-204.800, F.A.C., provided that:

(a) No change.

(b) The designated representative of the source containing the unit or units covered by the Acid Rain Part application certifies that every permitting authority (as defined at 40 CFR 70.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.) with jurisdiction over any other units included in the multi-unit compliance option has approved the Acid Rain compliance plan with the same modifications or conditions, if any, stated in the proposed Acid Rain Part of the permit or submits a schedule in the form of a Title V compliance plan for providing such certifications.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97,_____.

(Substantial rewording of Rule 62-214.340, F.A.C. follows. See Florida Administrative Code for present text)

62-214.340 Exemptions.

(1) New Units Exemption.

(a) Any new utility unit that meets all the criteria of 40 CFR 72.7(a)(1) through (3); which has not previously lost a new unit exemption; which is not allocated any allowances pursuant to 40 CFR Part 73, Subpart B; and which has timely and sufficiently supplied notice to the Department and the EPA shall be exempt from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and those provisions of 40 CFR 72.2 through 72.7 and 72.10 through 72.13, beginning January 1 of the first full calendar year for which the unit meets all the criteria of 40 CFR 72.7(a)(1) through (3) and Rule 62-214.340(1)(a), F.A.C.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.7(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP 62-210.900(1)(a)2. and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written new unit exemption and the unit shall be subject to the requirements of 40 CFR 72.7(a),(d),(e)(2), and (f).

2. Upon receipt of a timely and sufficient notice, the Department shall amend the applicable Acid Rain Part and any other affected portion of the Title V permit issued for the facility of which the unit is a part pursuant to Rule 62-210.360, F.A.C., to add the provisions and requirements of the exemption under 40 CFR 72.7(a),(b),(d), and (f).

3. Compliance with the requirements of 40 CFR 72.7(a)(3) shall be determined as specified by 40 CFR 72.7(d).

(b) The new unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.7(f)(4). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost, and the designated representative must submit a completed Acid Rain Part application no later than 60 days after the unit has lost the exemption.

(c) A unit otherwise meeting the criteria of 40 CFR 72.7(a)(1) through (3), but which has been allocated allowances under 40 CFR Part 73, Subpart B, may qualify for the new unit exemption if it is in compliance with all other requirements of Rule 62-214.340(1)(a), F.A.C., and the allowances are surrendered as provided at 40 CFR 72.7(c). For such units, timely and sufficient notice shall include all information required by 40 CFR 72.7(c)(1)(i). The exemption shall be effective January 1 of the first full calendar year for which all requirements of 40 CFR 72.7(a) and (c)(1) are met, including notification from EPA of the allowances surrender, as described at 40 CFR 72.7(c)(1)(i)(D). Following receipt of such notification, the Department shall amend the Acid Rain Part and any other affected portion of the Title V permit issued

for the facility of which the unit is a part in accordance with Rule 62-214.340(1)(a)2., F.A.C. The provisions of Rules 62-214.340(1)(a)3. and (b), F.A.C., shall apply to the unit.

(d) All records demonstrating that the requirements of 40 CFR 72.7(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.7(f)(3).

(2) Retired Units Exemption.

(a) Any permanently retired utility unit (except for an opt-in source, as defined in 40 CFR 72.2) which has timely and sufficiently supplied notice to the Department and the EPA shall be exempt from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and except for those provisions of 40 CFR 72.2 through 72.6, 72.8, 72.10 through 72.13, and 40 CFR 73, Subpart B, beginning January 1 of the first full calendar year during which the unit is permanently retired. The unit shall not emit any sulfur dioxide and nitrogen oxides beginning the date the exemption takes effect.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.8(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP 62-210.900(1)(a)3. and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written retired unit exemption and the unit shall be subject to the requirements of 40 CFR 72.8(d).

2. Upon receipt of a timely and sufficient notice, the Department shall amend the applicable Acid Rain Part and any other affected portion of the Title V permit issued for the facility of which the unit is a part pursuant to Rule 62-210.360, F.A.C., to add the provisions and requirements of the exemption under 40 CFR 72.8(b)(1) and (d).

(b) The retired unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.8(d)(6). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost, and the designated representative must submit a completed Acid Rain Part application no later than 24 months prior to the date the exemption will be lost.

(c) All records demonstrating that the requirements of 40 CFR 72.8(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.8(d)(5).

(3) Industrial-utility Units Exemption. The Department shall grant an exemption from the Federal Acid Rain Program and Chapter 62-214, F.A.C., except for the requirements of this section and those provisions of 40 CFR 72.2 through 72.6 and 72.10 through 72.14, to any non-cogeneration, utility unit that meets all the criteria of 40 CFR 72.14(a)(1) through (4); which has not previously lost an industrial-utility unit exemption; which has submitted a complete exemption request to the Department and the EPA.

(a) For purposes of this section, a complete request shall meet all of the criteria of 40 CFR 72.14(b), and shall be certified as required by Rule 62-213.450, F.A.C. Such exemption request shall be processed as part of an application for initial or renewal Title V source permit or Acid Rain Part, or as a revision to such permit, pursuant to the procedures of this chapter and Chapter 62-213, F.A.C.

(b) The exemption shall be effective beginning January 1 of the first full calendar year following the Department's issuance of the permit, permit renewal or permit revision.

(c) The industrial-utility unit exemption shall be lost and the unit shall be fully subject to Chapter 62-214 and the Federal Acid Rain Program in accordance with the provisions of 40 CFR 72.14(d)(4). The unit shall be subject to the monitoring requirements of 40 CFR Part 75 on the date the exemption is lost and the designated representative must submit a completed Acid Rain Part application no later than 60 days after the unit has lost the exemption.

(d) All records demonstrating that the requirements of 40 CFR 72.14(a) are met must be maintained at the facility for a period of 5 years, as specified at 40 CFR 72.14(d)(3).

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.360 Department Action on Applications.

Any application submitted pursuant to this Chapter, including any proposal for any repowering extension plan, industrial-utility unit exemption, or NO_x alternative emission limitation new unit exemption, or retired unit exemption is part of a Title V source permit application and shall be processed by the Department under the provisions of Rules 62-213.420 and 62-213.430, F.A.C., with the following additional limitations:

(1) through (4) No change.

(5) A NO_x alternative emission limitation must meet the substantive and procedural criteria of 40 CFR 76.10. The Department shall notify EPA within 10 working days following a determination that a Title V source permit application for an Acid Rain source is complete. The Department shall mail a copy of such notice to the designated representative.

(6) For each unit subject to an Acid Rain NO_x emissions limitation, the Department shall, no later than January 1, 1999:

(a) Amend the Acid Rain Part pursuant to Rule 62-214.370, F.A.C., and add any NO_x early election plan that was approved by EPA and has not been terminated, and

(b) Take final action on applications for revision of Acid Rain Parts to incorporate the nitrogen oxides requirements of 40 CFR Part 76, adopted and incorporated by reference at Rule

62-204.800, F.A.C., provided the applicant has submitted a timely and complete application for revision pursuant to Rule 62-214.320, F.A.C., and the provisions of 40 CFR Part 76.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.370 Revisions and Administrative Corrections.

Except as specifically provided in this section, all revisions of and administrative corrections to ~~a final Acid Rain Part of a final Title V source permit~~ shall be processed in accordance with the provisions of Chapters 62-213 and 62-210, F.A.C., respectively.

(1) An Acid Rain Part revision may be submitted for approval at any time. No revision shall affect the expiration date of the Acid Rain Part or final Title V source permit to be revised. No permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision. An Acid Rain unit shall comply with its existing Acid Rain Part while a permit revision is pending.

(2) through (5) No change.

(6) Acid Rain Part changes listed in 40 CFR 72.83(a)(1),(2),(6),(9) and (10), which are adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be made as administrative permit corrections pursuant to Rule 62-210.360, F.A.C. Incorporation of changes approved by EPA under 40 CFR 72.83(a)(11) and (12) shall also be accomplished as administrative permit corrections. The Department shall submit the revised portion of the Acid Rain Part to EPA ~~within ten working days after the date of the administrative correction.~~

(7) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.420 Acid Rain Part Content.

In addition to the requirements of Chapter 62-213, F.A.C., any draft, proposed or final Acid Rain Part, shall contain the following:

(1) through (9) No change.

(10) A statement that an Acid Rain Part shall be binding on any new owner or operator, ~~holding a Title V permit with an Acid Rain Part~~ or the new designated representative of any Acid Rain source or Acid Rain unit governed by the permit;

(11) through (12) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, _____.

62-214.430 Implementation and Termination of Compliance Options.

(1) No change.

(2) Termination.

(a) No change.

(b) Repowering Extensions. The designated representative shall provide notice of termination of any Acid Rain compliance plan incorporating repowering extension as provided by 40 CFR 72.44, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. Termination resulting from failure of the repowering plan shall be submitted as an application for revision of the Acid Rain Part, pursuant to this Chapter and Chapter 62-213, F.A.C., and 40 CFR 72.44(g), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and shall be processed pursuant to Rules 62-213.420, 62-213.430 and 62-214.360, F.A.C. A copy of the application for revision of the Acid Rain Part shall be submitted to the EPA.

2. Termination for reasons other than failure must be accomplished prior to December 31, 1999, and shall be accomplished in the same manner as termination of an approved conditional compliance option pursuant to Rule 62-214.430(2)(a), F.A.C.

(3) through (4) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History--New 1-3-95, Amended 7-6-95, 12-10-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Remediable Tasks Delegable to

RULE NOS.:

Dental Assistants 64B5-16.005

Levels of Supervision for Dental Hygienists 64B5-16.007

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-16.005 is to add an additional task that may be performed by a dental assistant under indirect supervision, and to delete rule text that is no longer desired. The purpose of the rule amendments to Rule 64B5-16.007 is to delete rule text that is no longer needed and to add a remediable task that may be performed by a dental hygienist under indirect supervision.

SUMMARY: The Board proposes to amend the rule text in Rule 64B5-16.005 with regard to the remediable tasks dental assistants are authorized to perform. The Board proposes to

amend the rule text in 64B5-16.007 to update the rule text with regard to the remediable tasks dental hygienists are authorized to perform.

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: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) through (3) No change.

(4) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under indirect supervision:

(a) through (d) No change.

(e) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.

(5) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under general supervision:

(a) through (c) No change.

~~(d) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.~~

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended _____.

64B5-16.007 Levels of Supervision for Dental Hygienists. By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) Direct Supervision: Gingival curettage;

~~(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic sealers;~~

(2) Indirect supervision:

(a) Root planing;

(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers.

(3) through (4) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024(3) FS. History—New 1-18-89, Formerly 21G-16.007, 61F5-16.007, Amended 9-27-95, 6-12-97, Formerly 59Q-16.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Office Surgery Inspection Fee
RULE NO.: 64B8-9.0093

PURPOSE AND EFFECT: The Department of Health proposes a fee to perform office surgery inspections. The Department shall inspect a physician’s office annually unless the office is accredited by a nationally recognized accrediting agency or an accredited organization subsequently approved by the Board of Medicine.

SUMMARY: Fee for office surgery inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 456.004(6) FS.

LAW IMPLEMENTED: 458.309(3) FS.

THE DEPARTMENT OF HEALTH WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, December 5, 2000

PLACE: Department of Health, Building 4042, Room 301A, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3253

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4444, Ext 3520, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of

Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256.

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DEPARTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0093 Office Surgery Inspection Fee. Beginning January 1, 2001, any physician who, pursuant to Rule 64B8-9.0091, is required to register with the Board and have his or her office inspected annually by the Department, shall pay an inspection fee of \$1,500.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: November 3, 2000

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units

RULE CHAPTER NO.: 64F-16

RULE TITLE: Definitions

RULE NO.: 64F-16.001

PURPOSE AND EFFECT: To incorporate by reference specific poverty guidelines referenced in the rule.

SUMMARY: 64F-16 outlines eligibility and fee assessment for services provided at county health departments. The proposed amendment to 64F-16.001(7) makes specific reference to the Federal Register edition where the latest poverty guidelines are published. These poverty guidelines are used to determine whether a client is eligible for service, or their sliding fee rate if they are above 100 percent of poverty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 21 DAYS 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: 10:00 a.m., December 6, 2000

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale adopted published by the United States Department of Health and Human Services (HHS) Federal Office of Management and Budget, as published in the Federal Register; February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annie Neasman, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Administrative Definitions and Acronyms	
Applicable to RAP	65A-1.802
General Eligibility	65A-1.803
Citizenship	65A-1.804
Employment Registration and Participation	
in Employment and Language	
Training Programs	65A-1.805
Need Requirement	65A-1.806
Assets	65A-1.807
Income	65A-1.808
Budgeting	65A-1.809

PURPOSE AND EFFECT: These rule amendments remove rule text that repeats federal regulation requirements for the Refugee Assistance Program (RAP). These federal regulation requirements are the basis for program operation. The department will repeal all rules for this program except one rule. The remaining rule will provide a source statement for federal program requirements.

SUMMARY: The department is removing details of eligibility requirements from rule text. Current rule text repeats statements made in federal law or federal regulation. Applicable federal law and regulation will be cited for refugee program administration and eligibility requirements.

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: 409.953 FS.

LAW IMPLEMENTED: Chapter 2000-166, L.O.F. (Specific Appropriation 435)

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: 11:00 a.m., December 1, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.802 Administrative Definitions and Acronyms Applicable to RAP.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.802, Repealed _____.

65A-1.803 General Eligibility.

Determinations of eligibility for RAP and program specific definitions required in these eligibility determinations are conducted ~~made~~ in accordance with 45 CFR, Chapter IV, Part 400, Subparts A through G, and Part 401 ~~October, 1992~~. Additionally, the specific definition of a Cuban/Haitian entrant as used in this program is found in Section 501(e) of the Refugee Education Assistance Act of 1980.

~~(1) The eligibility criteria including the Standards of Need, Payment, and Eligibility under Rules 10C 1.501 through 10C 1.516 effective February 1994 also apply to RAP eligibility, unless specified otherwise.~~

~~(2) The Refugee Assistance Program provides cash and medical assistance on the basis of need for eligible refugees. The medical assistance is provided through Florida's Medicaid program. Eligibility for cash and medical assistance is limited to the first eight months the individual is in the United States, per federal directive and subject to the availability of funds as determined by the Department of Health and Human Services.~~

Specific Authority ~~409.953~~ 414.45 FS. Law Implemented ~~Chapter 2000-166, L.O.F. (Specific Appropriation 435)~~ 414.095 FS. History--New 8-3-94, Formerly 10C-1.803, Amended _____.

65A-1.804 Citizenship.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.804, Repealed _____.

65A-1.805 Employment Registration and Participation in Employment and Language Training Programs.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.805, Repealed _____.

65A-1.806 Need Requirement.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.806, Repealed _____.

65A-1.807 Assets.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.807, Repealed _____.

65A-1.808 Income.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.808, Repealed _____.

65A-1.809 Budgeting.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 8-3-94, Formerly 10C-1.809, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Rights and Responsibilities	65A-2.022
Application and Determination of Eligibility	65A-2.023
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day	
Advance Notice	65A-2.031
Optional State Supplementation	65A-2.032
Optional State Supplementation Coverage Groups	65A-2.033
Definitions of Special Living Arrangements	65A-2.034
Income Calculation	65A-2.035
Optional State Supplementation Base Provider	
Rates and Program Standards	65A-2.036

PURPOSE AND EFFECT: These rule amendments are the result of a review of each listed rule to identify deficiencies in rule statements regarding citations of other rules, references to program names, definitions of special living arrangements, and redundant rule material. Additionally, the maximum provider rate is up-dated, eligibility standards are revised and the OSS Assistive Care Services (Medicaid) is implemented. OSS Assistive Care Services provides enhanced payment for the care of those eligible for the OSS program.

SUMMARY: Rule 65A-2.022 is clarified as to use of OSS payments, applicability of the right to prompt notice of decision and use of a designated representative and rights and responsibilities. Rule 65A-2.023 is clarified as to notice requirements. Rule 65A-2.024 is amended to clarify use of a designated representative, to use the word "terminated" instead of the word "cancelled" and to add an eligibility criterion. Rule 65A-2.031 is amended to use "terminate" and "termination" or "reduction" instead of "cancel" or "cancellation" and to clarify use of ten day advance notice. Additionally, action on benefits subsequent to denial of an Administrative Hearing or system failure to reduce or terminate benefits is clarified. Rule

65A-2.032 is amended to correct rule citations within it and to clarify and simplify statements of eligibility requirements. Rule 65A-2.033 is amended to use current terminology to reflect types of special living arrangements (coverage groups). Rule 65A-2.034 is repealed. Rule 65A-2.035 is amended to: clarify statements about income; correct a rule citation; provide a statutory reference for exclusions; and, remove language that repeats statutory provisions. Rule 65A-2.036 is amended to: revise statements about provider rates, program financial standards, the personal needs allowance and payment criteria; correct a rule citation; and to change the maximum provider rate(s).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this rule.

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: 409.212(6) FS.

LAW IMPLEMENTED: 409.212 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: 2:00 p.m., December 4, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES, THE PUBLIC HEARING OR AN ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

~~65A-2.022 Rights and Responsibilities of Applicants and Recipients.~~

~~(1) Any individual has the right to apply for Optional State Supplementation (OSS) and, if found eligible according to these rules, to receive an established monthly payment. The OSS monthly payment is made to assist individuals residing in Assisted Living Facilities (ALFs) with the cost of room and board. The OSS payment made to individuals residing in other special living arrangements is inclusive of room, board and personal care. The individual's use of the personal needs allowance this payment is not restricted. The recipient is responsible for providing all facts necessary to establish initial and continuing eligibility. The recipient is also responsible to promptly notify the Department of any changes in circumstances that may affect their eligibility.~~

(2) An authorized representative as defined in s. 65A-1.203(10), F.A.C., may be designated to assume the individual's rights and responsibilities as specified in s. 65A-1.204, F.A.C., and to act on behalf of the individual in determining the individual's OSS eligibility. Designation may be made by the individual, or a person knowledgeable of the individual's affairs may be self-designated as the individual's representative. The authorized representative will be identified on the department's form 2505, Affidavit for Designated Representative, incorporated by reference in rule 65A-1.400.

(3) The individual is responsible for providing all facts necessary to establish initial and continuing eligibility. The individual is also responsible to promptly notify the department of any changes in circumstances that may affect their eligibility.

~~(4) The Department is responsible for providing prompt action, equitable treatment and timely notification of any decision regarding to make a change in an individual's payment or status.~~

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.22, 10C-2.022, Amended _____.

65A-2.023 Application and Determination of Eligibility.

(1) Any individual wishing to receive an Optional State Supplementation payment must submit a completed, dated, and signed application for assistance. Once the completed, dated and signed application is received, and date stamped as received by the Department, the application process begins. A decision regarding eligibility or ineligibility must be reached, and a check or letter of rejection of the application must be in the mail within 45 days of the date stamped on the application.

(2) In determining an applicant's eligibility status, a Department employee obtains facts of the applicant's situation for of the applicant as related to each factor of eligibility. Information provided by the applicant application must be substantiated, verified, or documented by the department.

(3) A decision regarding eligibility or ineligibility of individuals for whom disability must be established must be reached, and a notice of the department's decision must be in the mail to the individual within 90 days of the date stamped on the application. A decision regarding eligibility or ineligibility of all other individuals must be reached, and a notice of the department's decision must be in the mail to the individual within 45 days of the date stamped on the application. A copy of all notices of eligibility or ineligibility will be mailed to the operator of the special living arrangement facility in which the applicant resides. However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.23, Amended 2-9-88, Formerly 10C-2.023, Amended _____.

65A-2.024 Determination of Continued Eligibility.

(1) The individual receiving Optional State Supplementation (OSS) must maintain continuing communication with the Department. The Department in cooperation with the individual must redetermine the individual's eligibility for continued assistance at least annually. An authorized representative may be designated or identified in this process as stated in rule 65A-2.022, F.A.C.

(2) Individuals who do not cooperate with the Department in the provision of required information or documentation shall have their case terminated ~~annulled~~, as continuing eligibility cannot be established.

(3) If an individual leaves the special living arrangement for a period of 30 consecutive days, the individual is no longer eligible for continued OSS benefits.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 10-7-80, Formerly 10C-2.24, 10C-2.024, Amended _____.

65A-2.031 Advance Notice: Written Ten Day Advance Notice.

(1) Written notification must be given or mailed to an individual ~~A person~~ receiving Optional State Supplementation must be given or mailed written notification ten days in advance of action to terminate ~~cancel~~ his/her grant or reduce the payment ~~the amount of assistance~~.

(2) Exception: Conformity to ten day advance notice is waived in the following situations, but written notification must be given or mailed to the individual or his authorized representative prior to the effective date of the action.

(a) ~~(1)~~ When termination ~~cancellation~~ is due to death;

(2) ~~When cancellation is due to transfer within program to another type of coverage;~~

(b) ~~(3)~~ When an individual or his authorized representative ~~person~~ requests termination or reduction of assistance ~~cancellation~~ in writing;

(c) ~~(4)~~ When the Department is unable to locate an individual as evidenced by the return of a letter of a recent date, with indication ~~ng~~ that the letter could not be delivered due to no forwarding address, and no further information for locating the individual is available from any source;

(d) ~~(5)~~ When an Administrative Hearing has been denied, the benefits that were continued without reduction pending the outcome of the hearing may be reduced with no advance notice of adverse action to the individual; or

(e) ~~(6)~~ When systems transactions fail to effect payment ~~reduce or terminate assistance correctly~~ ~~cancellation~~ and notice has previously been given.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.31, 10C-2.031, Amended _____.

65A-2.032 Optional State Supplementation General Eligibility Criteria.

(1) An eligible individual must be age 65 or older, or age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act (disability criteria is defined in 20 CFR 416). Eligibility on the factors of age, residence, citizenship, assets, and income is established by Supplemental Security Income Program staff based on Title XVI of the Social Security Act for those recipients receiving Supplemental Security Income.

(2) An eligible individual must be living in the State of Florida with the intent to remain. To be eligible for Optional State Supplementation an individual must be eligible for and receiving a check from the Supplemental Security Income Program, or any Optional State Supplementation recipient who for the month of June 1981 or thereafter was receiving financial assistance under the Title XVI Supplemental Security Income Program, was also entitled to monthly insurance benefits under the Title II Social Security Program, and except for the increase(s) in monthly insurance benefits under Title II would have been eligible for Title XVI (Supplemental Security Income) benefits for the current month, may be determined to be eligible for Optional State Supplementation provided applicable criteria found in (1) above and those listed under Rule 65A-2.033 are met.

(3) An eligible individual must be a United States citizen or a qualified alien as defined in Section 431, Public Law 104-193. All individuals receiving Optional State Supplementation (OSS) must meet the program eligibility criteria as specified under Chapters 10A-4, 10A-5, and 10E-4 for the specific living arrangement.

(4) An eligible individual must have income within standards established by the department. Aged, blind or disabled adults who meet Supplemental Security Income Program eligibility criteria, except for the amount of their income meet all other Optional State Supplementation Program eligibility criteria may be eligible to receive Optional State Supplementation payments if their monthly income is equal to or below the income standard set by the Department.

(5) An eligible individual must have assets within SSI Title XVI standards.

(6) Individuals must provide their Social Security Number (SSN), or if the SSN is unknown or has never been obtained, the individual must apply for a SSN through the local Social Security office.

(7) Individuals must apply for and diligently pursue to conclusion an application for all other monetary benefits for which they may be entitled or otherwise potentially eligible.

(8) An eligible individual must be living in a licensed assisted living facility (as defined in s. 400.402, F.S.); a licensed adult family care home (as defined in s. 400.618, F.S.); or, a licensed mental health residential treatment facility (as defined in s. 394.875, F.S.) that appropriately meets the

individual's needs based on objective medical and social evaluations and care plans, in accordance with approved department policies, as specified in Chapters 58A-5, 58A-14 or 65E-4, respectively.

(9) When appropriated Optional State Supplementation funding is insufficient to meet placement demands, applicants requesting Optional State Supplementation assistance must be evaluated according to the placement criteria below, with the first criterion being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation as defined in s. 415.102, F.S., and all other placement alternatives and resources have been determined unavailable or inappropriate as determined by the department in accordance with ss. 415.101 through 415.113, F.S.

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(c) The applicant is institutionalized, is ready for discharge, and all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(d) The applicant resides in the community, is in need of residential care, all other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the most appropriate placement.

(e) For each criterion above, the individual must require Optional State Supplementation assistance to pay for placement or provide for their personal needs.

(f) When it is necessary to implement the placement criteria above due to insufficient funding, the processing time standards in 65A-2.023 are applicable. The department shall notify the individual and the operator of the special living arrangement facility of the eligibility decision and that there are no funds available to provide for payment of OSS benefits. The department shall notify the individual and the operator of the special living arrangement facility when funding becomes available. However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended _____.

65A-2.033 Optional State Supplementation Coverage Groups Eligibility Factors Other Than Need.

To be determined eligible for Optional State Supplementation (OSS), an individual must qualify under one of the following coverage groups:

(1) An individual must be eligible for and receiving a check from the Supplemental Security Income Program administered by the Social Security Administration. The department accepts receipt of SSI as meeting all factors of Optional State Supplementation eligibility criteria in 65A-2.032, except age and appropriate placement as specified in 65A-2.032(8), which must be verified by department staff. A person meeting general eligibility criteria must be certified as eligible for placement in Room and Board with Personal Care or Foster Care for Adults, or other Special Living Arrangements. Eligibility is based on medical and social evaluations in accordance with approved departmental policies relating to the Community Care Program, as found in Chapter 10A-4, Specialized Adult Services, F.A.C.

(2) An individual must have been eligible for and receiving SSI and OSS payment on or after June 1981; must have been entitled to monthly Title II Social Security benefits; and, except for an increase in the Title II Social Security benefits, would have remained eligible for SSI benefits for the current month. This protected Optional State Supplementation coverage allows former SSI recipients to continue to receive Optional State Supplementation benefits when their SSI benefits were terminated due to increases in their Social Security benefits. These individuals may have income over the department's income standard as stated in rule 65A-2.036. For the purpose of meeting OSS placement criteria, mental health residential treatment facilities licensed under Chapter 394.875(2), F.S., will be considered as living in a special living arrangement.

(3) An individual must meet all SSI and OSS eligibility criteria, except for the amount of their income which must be equal to or less than the Optional State Supplementation income standard established by the department. These individuals must meet eligibility criteria in section 65A-2.032. The following placement criteria used when funds are insufficient to meet the placement needs. Applicants requesting placement must be evaluated according to the following criterion with the first criteria being the highest priority:

(a) The applicant must be in imminent danger of abuse, neglect or exploitation and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored;

(c) The applicant is institutionalized and is discharge ready and all other placement alternatives and resources have been explored;

(d) All other placement alternatives have been explored and Adult Congregate Living Facility, Mental Health Residential Treatment Facility or Adult Foster Home Placement is the only appropriate placement and the receipt of Optional State Supplementation is a prerequisite for placement.

(4) The individual must have been eligible for and receiving Aid to the Aged, Blind or Disabled (AABD) from the state as of December 1973. This protected population did not qualify for the same level of benefits under SSI in 1974. For this coverage group, the special living facility criteria at rule 65A-2.032 does not apply.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.33, Amended 9-30-86, 2-9-88, Formerly 10C-2.033, Amended _____.

65A-2.034 Definitions of Special Living Arrangements.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.34, Amended 9-30-86, 2-9-88, Formerly 10C-2.034, Repealed _____.

65A-2.035 Income Calculation Eligibility Factors of Need.

(1) An individual person eligible for Optional State Supplementation must not have gross monthly income, with the following exclusions, in excess of ~~Departmental~~ Standards, as found in s. 65A-2.036(3)(4), F.A.C.

(a) Gross income, less the earned income exclusion and other federal exclusions to individual's income, is computed on a monthly basis and considered in determining the amount of an individual's Optional State Supplementation eligibility Payment.

(b) An earned income exclusion of \$65 plus one-half of the remaining earned income is applied in cases where the individual has earned income.

~~(b) A person may receive additional supplementation from third parties to contribute to his cost of care. The payments shall be made to the adult congregate living facility, or to the operator of an adult foster home, family placement, or other special living arrangement, on behalf of the person and not directly to the Optional State Supplementation recipient. The additional supplementation shall not exceed two times the provider rate recognized under the Optional State Supplementation program. Contributions meeting these qualifications will be excluded as income.~~

(c) Refer to Chapter 409.212(4) and (5), F.S., for additional exclusions. Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of Optional State Supplementation. Rent vouchers will be excluded as income.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-82, Formerly 10C-2.35, Amended 1-27-91, Formerly 10C-2.035, Amended _____.

65A-2.036 ~~Amount of~~ Optional State Supplementation Payments Base Provider Rates and Program Standards.

(1) Within the funds appropriated by the Legislature, the department will establish base provider rates for specialized living arrangements (the amount the individual is to pay the facility). Base provider rates may vary depending upon type of specialized living facility and covered services in such

facilities. Living Arrangement, plus a personal need allowance, less the individual's gross income, minus the earned income exclusion, equals the amount of the Optional State Supplementation Payment rounded down to the nearest whole dollar. Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month. The payment is issued monthly through a computerized delivery system. Reference 65A-2.036(3) below. The cost of care standard established for OSS applicants and recipients residing in Adult Congregate Living Facilities will be utilized for OSS applicants and recipients residing in Mental Health Residential Treatment Facilities.

(2) Within the funds appropriated by the Legislature, OSS eligible individuals receive a standard personal needs allowance (PNA) (the amount the individual keeps for personal needs). The PNA is established by Legislative proviso language. The individual's PNA does not vary due to type of specialized living facility and covered services in such facilities. The Optional State Supplementation payment is, in fact, a supplement to all other sources of income, excepting the exclusions found in 65A-2.035, to meet the recognized cost of care in special living arrangements. The department shall not increase an Optional State Supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of third party contributions.

(3) Optional State Supplementation (OSS) Program Financial Standards.

(a) The monthly income eligibility standard is \$608.40 for residents of assisted living facilities Personal Need Standard—\$43.

(b) The monthly income eligibility standard is \$715 for residents of all other specialized living arrangements and for individuals protected under 65A-2.033(4) Maximum Provider Rate (cost of care) — a standard of \$622 per month.

(c) The personal needs allowance (PNA) is \$54 Monthly Income Standard—\$622.

(4) Optional State Supplementation (OSS) Base Provider Rates.

(a) For Assisted Living Facilities (ALF), the base provider rate is inclusive of room and board only.

1. For OSS eligible individuals, the base (ALF) provider rate is \$554.40.

2. For individuals eligible for OSS, the assisted living facility may receive payment for the personal care provided by billing Medicaid for assistive care services. To receive such payments the individual must be Medicaid eligible and the assisted living facility must be enrolled as a Medicaid provider.

(b) For all special living arrangements other than assisted living facilities and for the individuals protected under 65A-2.033(4), the provider rate is inclusive of room, board and personal care. The base provider rate is \$715.

(5) To calculate the amount of the Optional State Supplementation payment, the base provider rate is added to the standard personal needs allowance to determine the individual's total needs. From this sum, the individual's gross income, minus the allowable exclusions at 65A-2.035, is subtracted to give the amount of the Optional State Supplementation payment.

(6) Payment for the month of admission to the special living arrangement shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.

(7) When it is necessary to implement the criteria in 65A-2.032(9) due to limited funding, payment begins the first day of the month in which all eligibility criteria have been met and the department's staff certify that funding for the individual is available.

(8) The monthly income eligibility standard established at 65A-2.036(3)(a) and the base provider rates established at 65A-2.036(4) shall be increased by the annual cost-of-living adjustment to the federal benefit rate provided the average state optional supplementation contribution does not increase as a result.

(9) The payment is issued monthly through an automated delivery system.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
4A-37.036	Determination of Moral Character
4A-37.037	Firefighter Training Course Medical Examination
4A-37.0527	Retention of Certification
4A-37.056	Specifications for Certifiable Training

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 12, March 24, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-61	Maturity Tests – Processed Citrus
RULE NO.:	RULE TITLE:
20-61.003	Sampling Equipment

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 37, September 15, 2000, issue of the Florida Administrative Weekly.

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, 2005, statewide standardized sampling equipment will be required. By that date each processing plants shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to upon the installation of new Flip-Gate samplers systems and during the operation and maintenance of existing Flip-Gate samplers systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

(2) Official juice analysis tests for determining pounds solids will be made only on fruit collected by such a sampling device, except as otherwise provided in this rule, or when, in the opinion of the Division of Fruit and Vegetables, such sampling is impractical or the inspector deems further sampling and testing is necessary to prevent the utilization of immature fruit.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95,_____.

PUBLIC SERVICE COMMISSION

DOCKET NO.: 980253-TX

RULE NOS.:	RULE TITLES:
25-4.300	Scope and Definitions
25-4.301	Applicability of Fresh Look
25-4.302	Termination of Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as proposed in Vol. 25, No. 14, December 3, 1999, Florida Administrative Weekly and changed in Vol. 25, No. 48, December 3, 1999 have been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.220	Administrative Confinement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly.

33-602.220 Administrative Confinement.

(1) Definitions.

(a) No change.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability are unable to read books in print.

(c) Central Office ADA Coordinator – refers to the employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d)(b) Area Housing supervisor – the correctional officer sergeant, or above, who is in charge of the administrative confinement unit for a particular shift.

(e)(e) Confinement Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate’s confinement status to determine if changes or modifications are required or recommended.

(f)(d) Confinement visit – where used herein, refers to the official inspection and tour of a confinement unit by a staff member personal contact by staff members with inmates in confinement status to ensure that the inmates welfare is properly addressed.

(g)(e) Clinical health care personnel – where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist or psychological specialist.

(h)(f) Institutional Classification Team (ICT)– refers to the team committee consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(i)(g) No change.

(j) Security pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(k)(h) Senior correctional officer – refers to a staff member with the rank of a correctional officer lieutenant or above.

(i) through (j) renumbered (l) through (m) No change.

(2) Procedures for Placement in Administrative Confinement.

(a) No change.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC6-233a, including the reasons for the action and a summary of the inmate’s comments. Form DC6-233a is incorporated by reference in (10) of this rule. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. Inmates shall be weighed upon admission to the confinement unit. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Segregation. Form DC6-229 is incorporated by reference in (10) of this rule. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (3) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday. Any written statements provided by the inmate shall be attached to the form.

(c) The Institutional Classification Team shall review inmates in administrative confinement within 72 hours. The only exception to being seen within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the DC6-229, Daily Record of Segregation, and evaluated within 5 days by the ICT. Inmates placed into administrative confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The

ICT Chairperson is responsible for scheduling the ICT hearing date and time. All Reports of Administrative Confinement, DC6-233a, shall be completed the same day an inmate is placed into confinement and forwarded to the institutional classification unit to be placed for placement on the docket for review by the ICT. It shall be the responsibility of the classification officer to place the inmate on the docket so the ICT can review the inmate for release. The ICT shall review inmates for release. During this review the ICT shall consider pending disciplinary hearings and other pending issues or actions. If an inmate has been held in administrative confinement pending a disciplinary hearing and the decision is not to impose disciplinary confinement as a part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the ICT shall be required to immediately review the case. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays the duty warden is authorized to approve the release immediately.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) through (b) No change.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (33-602.221). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall ~~also~~ place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

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

(c) Prior to placement of an individual in an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221, Cell Inspection, shall be used for this purpose. Form DC6-221 is incorporated by reference in (10) of this rule.

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

(c) Personal Property – Inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in

which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate's property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in (10) of this rule 33-501.404. All property retained by the inmate must fit into the storage area provided.

(d) through (g) No change.

(h) Counseling Interviews – The ICT shall determine whether an inmate inmates in administrative confinement may be removed from their cells to attend individual or group any counseling sessions or interviews when there is no security problem involved.

(i) Visiting – All visits for inmates in administrative confinement must be approved in advance by the ICT or warden. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with rule 33-601.711 and shall not be restricted except on evidence that the visit would be a threat to security and ~~or~~ order. The warden or his or her designee must approve all visits in advance.

(j) Telephone – Telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden ICT or duty warden.

(k) Legal Access – Legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. An inmate who has been provided a "writer/reader" will be allowed access to such a person for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) Correspondence – Inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(m) Writing utensils – Inmates in administrative confinement shall possess only a security pen. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement status. ~~A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure.~~ If a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a “writer/reader” shall be allowed access for the purpose of preparing legal documents, legal mail, filing a grievance or preparing general correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 and other privileges shall be permitted on an individual basis for those inmates in administrative confinement units unless there is an indication of a threat to the safety, security or sanitation of the institution. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401. If it is determined that there is a safety security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with (8)(c) of this rule. Safety, sanitation and security factors shall be considered when making such decisions.

(o) Library Services – ~~Two Only one~~ books at a time may be, checked out. Books ~~shall may~~ be checked out once weekly. Inmates who receive services from the Bureau of Braille and Talking Book Library will be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault,

battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate’s limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(6) Restraint and Escort Requirements.

(a) through (e) No change.

(f) The following staff members shall be required to officially inspect and tour the inmates in administrative confinement unit shall receive a personal contact or visit by the following staff members. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.

4. ~~Weekly Daily~~ by the Chief of Security (when on duty at the facility) except in case of riot or other institutional emergency.

5. through 9. No change.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to

special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in rule 33-602.210. Form DC4-650 is incorporated by reference in (10) of this rule.

(7) Review of Administrative Confinement.

(a) No change.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from administrative confinement shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue confinement ~~and that confinement extends beyond 90 days,~~ a new psychological assessment shall be required at least every completed each 90-day period.

(c) through (8)(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in administrative confinement. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of ~~a~~ the cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229 shall be maintained in the housing area for one week, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) through (9) No change.

(10) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, and effective date _____.

(b) No change.

(c) Form DC6-228, Inspection of Special Housing Record, effective date _____.

(d) through (f) No change.

(g) Form DC6-221, Cell Inspection, effective date _____.

(h) Form DC6-220, Inmate Impounded Personal Property List, effective date _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Dugger Stan Czerniak

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.221
RULE TITLE: Protective Management
SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 21, 2000, issue of the Florida Administrative Weekly, and revised by the first notice of change published in Vol. 26, No. 35, September 1, 2000, Florida Administrative Weekly:

33-601.221 Protective Management.

(1) Definitions.

(a) No change.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability are unable to read books in print.

(c) Central Office ADA Coordinator – refers to the employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(b) through (d) renumbered (d) through (f) No change.

(g)(e) Housing Supervisor refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

(h)(f) Clinical Health Care Personnel – where used herein, refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTC), Psychologist, or Psychologist Specialist.

(i)(g) Institution Classification Team (ICT) refers to the team consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security that is responsible for making local classification decisions work, program, housing and inmate status decisions at a facility and

~~for making other recommendations to the State Classification Office (SCO). The ICT will be comprised of the warden or assistant warden who will serve as chairperson, classification supervisor, chief of security and other members as necessary when appointed by the warden or designated by rule.~~

~~(j)(4)~~ Protective Management where used herein refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of the general population as is safely possible.

(i) through (l) renumbered (k) through (n) No change.

~~(o)(m)~~ Protective Management Review, where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications are required or recommended.

~~(p)(n)~~ Protective Housing Visit, where used herein, refers to personal contact by staff members with inmates in protective management status to ensure that their welfare is properly addressed.

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

(d) Once the ICT and SCO have determined that protective management is appropriate for an inmate, ~~the inmate shall be interviewed by the housing supervisor and a review shall be initiated to determine if any of the inmates in the protective management unit are a threat to the inmate being placed or if the inmate being placed is a threat to other inmates in the unit. If the inmate can not be placed for these reasons the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve protection.~~

(3) Protective Management Facilities.

(a) The number of inmates housed in protective management housing units shall not exceed the number of ~~beds~~ bunks in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing ~~cells~~ units for general population inmates at the particular institution.

(c) Prior to placement of an individual in a protective management ~~cell, the cell housing unit,~~ it shall be thoroughly inspected to ensure that the cell is in proper order. The officer conducting the inspection will complete and sign the

Cell Inspection, DC6-221, attesting to the conditions of the cell, and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in rule 33-602.220(10).

(d) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action ~~In cases where clothing is denied to an inmate it shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself. Form DC6-235 is hereby incorporated by reference in (10) of this rule. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.~~

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235 Record of Protective Management, and the chief of security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Personal Property List, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be laced in the inmate's property file and a copy of the form will be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in ~~(10) of this rule~~ 33-602.220(10). All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for general population inmates.

(d) Comfort Items – Inmates in protective management shall be permitted the same comfort items, personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented on the Record of Protective Management, Form DC6-235 which must be reviewed by the chief of security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) No change.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell housing unit. Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) No change.

(h) Counseling Interviews – The ICT will determine whether an inmate ~~Inmates~~ in protective management may be removed from his or her cell ~~their housing units~~ to attend interviews and counseling sessions ~~when there is no security problem involved in such removal.~~

(i) through (j) No change.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units. However, inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. Inmates who have been provided a "writer/reader" will be allowed access for the purpose of preparing legal documents legal mail filing a grievance, or general correspondence.

(l) No change.

(m) Writing utensils – Inmates in protective management shall be allowed to possess pens and pencils of the same type and number as those in general population. If it is determined that there is a safety, security or sanitation risk these items shall be confiscated and stored until the inmate is released from protective management status. The inmate shall be issued a security pen; if a security pen is unavailable the inmate shall be allowed to sign out a regular pen from the housing officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail documents or grievances. An inmate who has been provided a "writer/reader" shall be allowed access for the purpose of preparing legal documents, legal mail, grievances or general correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 for inmates in general population are allowed for those inmates in protective management units. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401. If it is determined that there is a safety, security or sanitation risk, e items will be removed. Such removal of reading materials will be documented on Form DC6-235.

~~(o)(m)~~ Library – Inmates in protective management shall be allowed to visit the library and check out books at least once weekly, ~~except as provided in rule 33-602.221(7).~~ Protective management inmates shall be allowed to check out the same number of books as allowed for general population inmates.

~~(p)(n)~~ Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence, by continuing threats of physical harm, written or spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff's daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the institution and shall be documented on Form DC6-235, Record of Protective Management. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form

DC6-229. Form DC6-229 is incorporated by reference in ~~(40)~~ of this rule 33-602.220(10). Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

~~(q)(6)~~ No change.

~~(r)(p)~~ Self-improvement programs – Self-improvement programs shall be available in their housing area, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities or letter writing.

~~(s)(q)~~ No change.

(5) Work assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation will be documented with reasons for the action on Form DC6-210, Incident Report, and shall be reviewed by the warden or ICT the following day. Form DC6-210 is incorporated by reference in rule 33-602.210(9). Refusal of a work assignment shall result in disciplinary action pursuant to rules 33-601.301-601.314. Inmates who refuse work assignments will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to rule 33-601.101 in the same manner as general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with a similar equipment, recreational and otherwise, as those for general population provided that such equipment does not compromise the safety or security of the institution.

(c) Other privileges shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order or effective management of the institution. All

such restrictions shall be documented on Form DC6-234, Report of Protective Management, and reported to the ICT. Form DC6-234 is incorporated by reference in ~~(40)~~ of this rule 33-602.220(10). The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall also be documented on Form DC6-235, Record of Protective Management.

(6) No change.

(7) Contact by Staff.

(a) Designated staff will be required to visit protective management units and document the visits on Form DC6-228, Inspection of Special Housing Record. Inmates in protective management shall receive a personal contact or visit by the following staff members. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if, during the visit by staff, any discussion of significance, requiring action or involving the behavior of the inmate, occurs or any other important information which may have an influence or effect on the status of protective management occurs confinement is revealed, this information will also be documented by the staff member on the Daily Record of Segregation, Form DC6-229. These visits shall be conducted at a minimum of:

1. through 9. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist ~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Forms DC4-650 ~~is DC6-210~~ are incorporated by reference in ~~(40)~~ of this rule 33-602.220(10).

(8) Review of Protective management.

(a) The Institutional Classification Team shall also review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue protective management and that protective status extends beyond 90 days, a new psychological assessment shall be required at least every completed each 90-day period.

(c) through (d) No change.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the area housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision Form. Form DC6-203 is incorporated by reference in ~~(10) of this rule 33-602.220(10)~~. The inmate shall complete Form DC6-203 and return it to the area housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall docket and review the inmate's request, and interview the inmate. The ICT shall submit their recommendation along with the DC6-203 and any other documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9)(a) through (b) No change.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

~~(10) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.~~

~~(a) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date _____.~~

~~(b) Form DC6-203, Protection Waiver / Appeal Decision effective date _____.~~

~~(c) Form DC6-210, Incident Report, effective date _____.~~

~~(d) Form DC6-220 Inmate Impounded Personal Property List effective date _____.~~

~~(e) Form DC6-228, Inspection of Special Housing Record, effective date _____.~~

~~(f) Form DC6-229, Daily Record of Segregation, effective date _____.~~

~~(g) Form DC6-234, Report of Protective Management, effective date _____.~~

~~(h) Form DC6-235, Record of Protective Management, effective date _____.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.222 RULE TITLE: Disciplinary Confinement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) No change.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability are unable to read books in print.

(c) Central Office ADA Coordinator – refers to the employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

~~(d)(b) Confinement~~ Review, where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.

~~(e)(c) Confinement~~ Visit, where used herein, refers to the official inspection and tour of a confinement unit personal contact by a staff member with an inmate in confinement status to ensure that his or her welfare is properly addressed.

~~(f)(d)~~ No change.

~~(g)(e)~~ Disciplinary Hearing refers to an a non-judicial administrative proceeding in which it is determined if sufficient evidence exists to find an inmate guilty of a rule violation.

(f) through (j) renumbered (h) through (l) No change.

(2) No change.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds bunks in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation. Form DC6-229 has been incorporated by reference in ~~section (13) of this rule~~ 33-602.220(10).

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in ~~(13) of this rule~~ 33-602.220(10).

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

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. If removal of any item in the inmate's possession is determined necessary, the correctional staff shall document their actions on the DC6-229, Daily Record of Segregation, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Impounded Inmate Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in ~~section (13) of this rule~~ 33-602.220.

(d) through (g) No change.

(h) Counseling and Interviews. The ICT shall determine whether an inmates in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews ~~when approved by the warden or his or her designated representative.~~

(i) No change.

(j) Legal visits. Attorney-client Legal visits shall be allowed as provided in rule 33-601.711, Legal Visitors, and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or his or her designee must approve all visits in advance.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement cells. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. An inmate who has been provided a "writer/reader" will be allowed access to such a person for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access for the purpose of preparing documents referenced above.

(o) Reading Material. Inmates in disciplinary confinement shall be allowed, at a minimum, a copy of a testament or bible and religious tracts. All books must be in softback cover. Safety, sanitation, and security concerns may limit the amount of reading material authorized. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. through 2. No change.

3. The warden or assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia;

escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) through (5) No change.

~~(6)(7)~~ Visits to Disciplinary Confinement.

(a) Disciplinary confinement areas housing inmates shall require visits by various institutional staff. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in ~~(13) of this rule 33-602.220(10).~~ Staff shall also document their visit on the Daily Record of Segregation DC6-229, including any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. Visits will be at least:

1. through 3. No change.

4. Weekly Daily by the chief of security, when on duty at the facility, except in cases of riot or other institutional emergency.

5. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to an isolation management room or to alternate housing designated by the authorized Health Care Staff where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in ~~section (13) of this rule 33-602.220(10).~~ All actions taken by staff concerning special risk inmates shall be noted on Form DC6-229 and shall be followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210.

~~(7)(8)~~ Review and Release from Disciplinary Confinement.

(a) No change.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview. The psychological specialist may complete the record review and gather other needed information. However, the psychologist or psychiatrist must render his or her professional opinion about the offender's mental capacity to tolerate continued confinement. Should the inmate be deemed significantly maladjusted, the doctor shall advise the ICT and Warden. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from disciplinary confinement shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue confinement ~~and that confinement extends beyond 90 days,~~ a new psychological assessment shall be required at least every completed each 90-day period.

(c) through (e) No change.

~~(9) Disciplinary Confinement Records.~~

~~(a) A Report of Disciplinary Confinement, Form DC6-233a, shall be kept for each inmate placed in disciplinary confinement. A photocopy of the DC6-233a, with section I completed, shall be kept in disciplinary confinement with the other confinement records for each inmate. Form DC6-233a is incorporated by reference in section (13) of this rule.~~

~~(b) Upon completion of the DC6-233a, the white copy of the form shall be mailed to central office to be filed in the central office inmate record and the yellow copy shall be filed in the institutional inmate record.~~

~~(8)(10) Daily Record of Segregation.~~ A Daily Record of Segregation, Form DC6-229, shall be maintained on each inmate in disciplinary confinement. The shift supervisor of all three shifts, health care staff, classification staff and the ICT or SCO shall sign the DC6-229 form whenever they make a visit to a specific inmate. The DC6-229, Daily Record of Segregation, shall be maintained in the housing area for one week, at which time the form shall be forwarded to the warden for review. Once reviewed, the form shall be forwarded to classification to be filed in the institutional inmate record. Full and complete remarks shall be made in the DC6-229, Daily Record of Segregation, in the following situations ~~as outlined in section (10)(a) of this rule~~ by:

(a) Security Department – Shift Supervisor.

1. through 3. No change.

4. When it becomes necessary to restrict any privilege or remove any clothing, bedding or comfort item for the inmate's own protection, to prevent destruction, or if it poses a threat to institutional security or staff, The central office ADA coordinator shall be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate.

5. through 9. No change.

(b) through (d) No change.

(11) through (12) renumbered (9) through (10) No change.

~~(13) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399 2500.~~

~~(a) Form DC6-229, Daily Record of Segregation, effective date _____.~~

~~(b) Form DC6-228, Inspection of Special Housing Record, effective date _____.~~

~~(c) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date _____.~~

~~(d) Form DC6-220, Impounded Personal Property List, effective date _____.~~

~~(e) Form DC6-221, Cell Inspection, effective date _____.~~

~~(f) DC6-233a, Report of Disciplinary Confinement, effective _____.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: 60L-25
RULE CHAPTER TITLE: Adoption Benefits for State and Water Management District Employees

RULE NOS.:
60L-25.001 Purpose
60L-25.002 Authority
60L-25.003 Definitions
60L-25.004 Benefits
60L-25.005 Program Administration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 33, August 18, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided at the public hearing held on September 13, 2000, and comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

60L-25.001 Purpose.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.002 Authority.

Section 110.15201, Florida Statutes, authorizes the Department of Management Services to establish a rule providing for adoption benefits.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.003 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) "Agency Head" means the chief executive of the State entity or governing board of a Water Management District, that employs the eligible applicant, or such person's designee.

(2) through (3) No change.

(4) "Eligible Adoption" means the adoption of a "special needs child," or a child who does not meet the criteria of "special needs," provided the that a final order of adoption is finalized awarded on or after October 1, 2000.

(5) "Eligible Applicant" means a full-time or part-time state officer or employee of any branch of state government or a water management district who, at the time of adoption and application for this benefit, holds a regular established position. Applicants adopting foreign-born children are included in this definition provided that they submit a copy of a final order of adoption from a court of competent jurisdiction in the United States.

(6) No change.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.004 Benefits.

(1) An eligible applicant shall submit a complete employee who makes application along with a certified copy of the final order of adoption within 1 year of the adoption date on the final order of adoption in order to shall be eligible for the following benefits:

(a) A monetary benefit in the amount of \$10,000 per child for adoption of a "special-needs child,": Payment of this benefit will be in the form of an initial lump sum amount of \$5,000, with the remaining \$5,000 payable in equal monthly installments over a 2-year period.

(b) A monetary benefit in the amount of \$5,000 per child for adoption of a child other than a "special-needs child,": Payment of this benefit will be in the form of an initial lump sum amount of \$3,000, with the remaining \$2,000 payable in equal monthly installments over a 2-year period.

(2) through (3) No change.

(4) An employee eligible applicant shall be granted a parental leave of absence in accordance with Section 110.221, F.S., provided that such employee continues to reside in the same household as the child during the period covered by the leave.

(5) No change.

(6) The adoption benefit is a non-qualified plan and will be, as such, shall be considered taxable income subject to withholding taxes (FICA, Social Security and Medicare).

(7) In The agency head must notify the Department in the event of the employee's termination from employment, the or death. The monthly installments for the remainder of the benefit shall may continue to be paid to the former employee,s or, in the event of an employee's death, may be paid in a lump sum to that employee's estate.

(8) No change.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History—New _____.

60L-25.005 Program Administration.

(1) The Department shall administer the appropriated funds for the purpose of distributing this benefit to eligible applicants employees. The Department shall establish an open enrollment period from January 15th to March 15th during which applications may be submitted.

(2)(4) For each child adopted, an eligible applicant shall apply separately to the agency head for this benefit using the Department's Application for Adoption Benefits Form No. DMS.EPE.ADP, created in November October, 2000, which is hereby incorporated by reference, and shall include a certified copy of the final order of adoption naming the applicant as an adoptive parent. It is the employee's responsibility to ensure that applications submitted to the agency are forwarded to the Department within the open enrollment period. The agency head shall will forward all applications to the Department during the open enrollment period.

(3) At the conclusion of the open enrollment period, the Department which shall review all applications and shall determine, based on the date of the final order of adoption, the order in which payments will be made to eligible applicants upon verification of eligibility, disburse the appropriate benefit on a first come, first served basis until all that year's appropriated funds are encumbered.

(2) When all the current fiscal year appropriated funds are encumbered, no further applications for adoptions shall be processed for the remainder of that fiscal year. The Department shall notify all agencies when the appropriation is depleted and the names of applicants who will be asked to update and resubmit their application.

(3) Applications in excess of available funds for a given fiscal year shall be updated and resubmitted in the next fiscal year in order to be considered for payment. Upon verification of eligibility, such applications shall be given first consideration for benefits from that year's appropriation.

(4) In the event that, during the two year payment period, the employee or former employee loses or relinquishes custody of the child due to one or more of the following conditions, such individual shall no longer be eligible for these benefits:

(a) the child is removed from the employee's care and custody as a result of a judicial finding; or

(b) the employee voluntarily relinquishes custody.

(5) Where applicable, the Department shall verify the custodial status of the employee or former employee through the Department of Children and Families.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-21.004
 RULE TITLE: Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 6, February 11, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (5) of the rule shall now read as follows:

61G8-21.004 Fees.

(5) A delinquent fee of fifty dollars (\$50.00) shall be paid. This fee is owed when due.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-1.010
 RULE TITLE: Approved Schools and Colleges

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 34, August 25, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 21, 2000.

Subsection (1) shall now read as follows:

61G17-1.010 Approved Schools and Colleges.

For purposes of Section 472.013(2), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the United States Department of Education are deemed approved by the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17R

RULE CHAPTER NO.: 62-302 RULE CHAPTER TITLE: Surface Water Quality Standards

RULE NO.: 62-302.700 RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

NOTICE OF REOPENING PUBLIC HEARING ON PROPOSED RULEMAKING

The Department of Environmental Protection announces the reopening of a public hearing to adopt proposed changes to Rule 62-302.700 of the Florida Administrative Code to designate Lake Disston as an Outstanding Florida Water (OFW).

The original notice of proposed rulemaking, published in the August 27, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 34, stated that the proposed rule amendments were scheduled for consideration and possible approval for adoption by the Florida Environmental Regulation Commission (ERC) on September 30, 1999. A later Notice of Rescheduling Hearing on Proposed Rulemaking, published in the November 24, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 47, notified the public that the adoption hearing was continued until January 26, 2000. The ERC approved the proposed rule amendments for adoption at the hearing on January 26th. Following the ERC hearing, the Joint Administrative Procedures Committee (JAPC) raised objections to certain provisions of the proposed rule language. After attempting to resolve the issues with staff at JAPC, the Department has reached an impasse. As a result of the impasse, the Department has modified the proposed rule language, and will resubmit the proposed language to the ERC on December 5, 2000, for the ERC to determine whether the two findings necessary for an OFW designation can still be met. The revised rule language to be submitted to the ERC will recommend designation of Lake Disston, but not any portion of Little Haw Creek. In addition, the proposed designation will eliminate the exemption for those activities proposed in Environmental Resource Permit (ERP) application No. 4-035-0071A-ERP and the exemption for silviculture activities. The adoption hearing

for the proposed amendments to the OFW designation is now scheduled before the ERC at the time, date and place shown below:

TIME AND DATE: 10:00 a.m., Tuesday, December 5, 2000

PLACE: Florida Department of Environmental Protection, Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OR THE PROPOSED RULE IS: Janet Klemm, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, Mail Station #3570, Tallahassee, Florida 32399-2400, telephone (850)921-9928, Suncom 291-9928, Fax (850)921-5655

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001 RULE TITLE: Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 10, March 10, 2000, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Distributions of 2000-01 Flu Vaccines RULE NO.: 64FER00-2

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Influenza, commonly called "the flu" is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In an average year, influenza is associated with more than 20,000 deaths nationwide and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations. Influenza vaccine is specifically recommended for people who are at high risk for developing serious complications as a result of influenza infection. These high-risk groups include all people aged 65 years or older and people of any age with chronic diseases of the heart, lung or kidneys, diabetes, immunosuppression, or severe forms of anemia. Other groups for whom vaccine is specifically recommended are residents of nursing homes and

other chronic-care facilities housing patients of any age with chronic medical conditions, women who will be more than 3 months pregnant during the influenza season, and children and teenagers who are receiving long-term aspirin therapy and who may therefore be at risk for developing Reye's Syndrome after an influenza virus infection. Influenza vaccine is also recommended for people who are in close or frequent contact with anyone in the high-risk groups defined above. These people include health care personnel and volunteers who work with high-risk patients and people who live in a household with a high-risk person.

On July 14, 2000, the Center for Disease Control (CDC) reported a substantial delay in the availability of a portion of influenza vaccine for the 2000-01 season and the possibility of a vaccine shortage. Subsequent resolution of manufacturing problems and improved yields of the influenza A (H3N2) vaccine component have averted a shortage; however, there will be delays in vaccine delivery which may result in spot shortages in different localities around the country.

For the 1999-2000 influenza season, approximately 77 million doses of vaccine were distributed, of which 3 million doses were returned. On the basis of information provided by manufacturers, distribution of approximately 75 million doses is anticipated for the 2000-01 season. Unused vaccines are ordinarily destroyed or returned for destruction due to the limited life of influenza vaccines. Given that the anticipated supply for the 2000-01 flu season is almost equivalent to a normal seasonal demand for the vaccine, waste and unused vaccines must be minimized in order to address the public health need.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Normal distribution channels for prescription drugs, which includes influenza vaccines, is from the manufacturer to a wholesaler to the end-user practitioner. As a general rule, both federal and Florida law prohibit the distribution or redistribution of prescription drugs by health care entities such as hospitals and licensed medical practitioners. One exception to the prohibition against the wholesale distribution of prescription drugs by health care entities is for "emergency medical reasons". The federal Food and Drug Administration has notified CDC that due to the delays in influenza vaccine delivery and possible spot shortages in some localities this season, health care providers are authorized under the "emergency medical reasons" exemption of the Prescription Drug Marketing Act (PDMA) regulations at 21 CFR 205.3(f)(5) to sell or transfer influenza vaccine to other health care providers within their states.

The Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, has a similar provision in s. 499.012(1)(a)2.b., F.S., for the "emergency medical reasons" exemption to the prohibition against the wholesale distribution of prescription drugs by health care entities. Rule authority appears in s.

499.05(1)(j), F.S., (2000) for establishing rules to implement an emergency medical reason exemption. Since we are currently experiencing delay in initial distribution of vaccines from the manufacturers, the emergency rule provides the mechanism to allow for health care entities in Florida with vaccine surpluses to distribute their excess usable product to health care entities in Florida experiencing vaccine shortages because of the delay. Furthermore, this situation is expected to be limited to the 2000-01 influenza season.

SUMMARY OF THE RULE: This emergency rule authorizes the distribution of surplus influenza vaccine by health care entities in Florida to other health care entities in Florida during the 2000-01 flu season.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jerry Hill, Chief, Bureau of Pharmacy Services, Department of Health, 2818-A Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE EMERGENCY RULE IS:

64FER00-2 Distributions of 2000-01 Flu Vaccines.

Due to delays in influenza vaccine delivery and possible spot shortages in some localities for the 2000-01 influenza season (October 2000 through March 2001) health care entities, as defined in s. 499.003(15), F.S., in Florida are authorized under the emergency medical reasons exemption in s. 499.012(1)(a)2.c., F.S., to sell or transfer influenza vaccine to other health care entities in Florida under the following conditions:

(1) All influenza vaccine sold or transferred under this authorization must not be adulterated. All storage and handling requirements of the vaccine must have been maintained at all times, including periods of shipment and transit.

(2) Influenza vaccine is to be stored and shipped at 35° to 46° F (2° – 8° C). Influenza vaccine cannot be frozen.

(3) Records of the receipt and subsequent sale or transfer of the vaccine must be maintained by the health care entity and be readily available and readily retrievable as defined in Rule 64F-12.001(2)(m), Fla. Admin. Code., for a period of two years after the distribution. At a minimum these records should include:

(a) Vaccine brand;

(b) Number of doses transferred by lot number;

(c) The person from whom the doses were received, including the address and permit or license number;

(d) The person to whom the doses were sold or transferred, including the address and permit or license number;

(e) Date of the sale or transfer; and

(f) The full cost of the sale or transfer.

(4) Influenza vaccine that was supplied to providers at no cost to the provider cannot be sold; however, the receiving health care entity may be assessed the cost of shipping and handling for redistribution. Surplus influenza vaccine

purchased by a health care entity in Florida may be sold to another health care entity in Florida at an amount not to exceed the full cost of the vaccine to the provider with the surplus, plus the cost of shipping and handling charges for the redistribution so as to assure the accessibility of the vaccines to high risk groups identified by the department.

EFFECTIVE DATE: November 1, 2000

Specific Authority 499-05(1)(j) FS. Law Implemented 499.012(1)(a)2.b. FS. History—New 11-1-00.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 1, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on May 8, 2000, by Theodore T. Lee, M.D. The Board considered the Petition at its July 8, 2000 meeting, held in Miami, Florida. The Board's Order, filed on August 2, 2000, grants the petition for waiver finding that the underlying purpose of the statute implemented by Rule 64B8-5.001, has been achieved by other means, that is to ensure currency of medical knowledge and clinical competency.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

The Board of Psychology hereby gives notice that on October 25, 2000, it received a petition from Teresa S. Huff seeking a waiver and variance from Rule 64B19-11.007, Florida Administrative Code, which provides that the Board will close the file of an applicant who has not completed supervised experience within 18 months of the Board's notification of applicant's passing score on either part of the examination.

Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Psychology hereby gives notice that on October 30, 2000, it received a petition from Diane M. Vendryes, Ph.D. seeking a waiver and variance from Rule 64B19-11.003,

Florida Administrative Code, which defines enrollment in an accredited doctoral program as entry into the program within 7 years prior to graduation.

Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that on October 18, 2000, the Florida Department of Health received a Petition from Benjamin L. Sparks, on behalf of U Can Swim, Inc., which sought a waiver of Florida Administrative Code 64E-9.008(1)(b). This rule requires all lifeguards and swimming instructors be currently certified in first aid and CPR through the American Red Cross, the American Heart Association or the National Safety Council. Comments on this Petition should be filed with Theodore M. Henderson, Agency Clerk, Department of Health, Office of the General Council, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1710, within 14 days of the publication of this notice.

A copy of the Petition may be obtained from Robert Pryor, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-1742 or by calling (850)245-4444, Ext. 2369.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Research Committee of the **Florida Commission on the Status of Women** will hold an in-person meeting.

DATE AND TIME: Monday, November 20, 2000, 4:00 p.m. – 6:00 p.m.

PLACE: Collins Building, Room G-19, 107 West Gaines Street, Tallahassee, FL (please call (850)414-3300 for instructions on participation)

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting of the Governor's Equity in Educational Opportunity task force to which all interested persons are invited.

DATE AND TIME: November 13, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: Ramada Inn North, The Oxford Room, 2900 North Monroe Street, Tallahassee, Florida

PURPOSE: To conduct general business necessary for the task force to finalize findings and recommendations for the final report to the Governor, the President of the Senate and Speaker of the House.

For additional information call: The Office of Policy Research and Accountability, (850)488-1611, Suncom 278-1611.

The **Occupational Access and Opportunity Commission** announces a Committee meeting.

DATES AND TIME: December 7-8, 2000, 8:00 a.m. – 5:00 p.m.

PLACE: Vocational Rehabilitation Services, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida

PURPOSE: To review and evaluate the results of the meetings held November 28-30, 2000, in Orlando, Florida regarding the Statewide Rehabilitation Technology Services Request for Proposal #2001-07.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings contact Roxana Beardall, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)921-5910, Ext. 238, no later than December 4, 2000.

The **State Board of Independent Colleges and Universities** announces public meetings to which all persons are invited.

DATE AND TIME: Tuesday, November 28, 2000, 10:00 a.m.

PLACE: Office of the State Board of Independent Colleges and Universities, Koger Center, Turner Building, Suite 200, 2586 Seagate Drive, Tallahassee, FL

PURPOSE: SBICU New Board Member Orientation Workshop. The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Governor's Growth Management Study Commission** announces the following meetings to which all interested parties are invited:

DATE AND TIME: Wednesday, November 15, 2000, 7:00 p.m. – 9:00 p.m.

PLACE: The location of the meeting will be available at www.floridagrowth.org or by calling the Commission's toll free hotline, 1(877)429-1296

PURPOSE: The Infrastructure Sub-Committee will meet to discuss issues related to Growth Management in Florida.

DATES AND TIMES: Thursday, November 16, 2000, 9:00 a.m. – 6:00 p.m.; Friday, November 17, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Room 110S, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida

PURPOSE: The Commission and certain sub-committees will meet to discuss issues related to Growth Management in Florida and hear from invited speakers.

A copy of the agenda with specific times and locations for each sub-committee meeting and other information regarding the meeting and the Commission may be obtained at the Internet address: www.floridagrowth.org. Anyone who does not have access to the web site may request the information in an alternative format by calling the Commission's toll free hotline, 1(877)429-1296.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Tammy Anderson at least seven days before the date of the meeting.

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

The **Florida Communities Trust** announces it will conduct a series of meetings to which all interested persons are invited.

DATE AND TIME: November 20, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Tree Tops Park, Knob Hill Road, 3900 S. W. 100th Avenue, Davie, Florida

DATE AND TIME: November 29, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: The Renaissance Room, City Hall, 117 West Duval Street, Jacksonville, Florida

DATE AND TIME: December 6, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, Florida

DATE AND TIME: December 7, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: City Hall, Ninth Floor, Overlook Room, 400 S. Orange Avenue, Orlando, Florida

PURPOSE: The purpose of these meetings is to receive input from the public regarding new rules for the Florida Communities Trust (Trust) to implement the Florida Forever Act. The Trust wishes to hear the views of interested citizens, local governments and nonprofit environmental organizations.

Where to obtain copies: Background information regarding the Florida Forever Act and the Florida Communities Trust will be available at the meetings or may be obtained by visiting our web site: www.dca.state.fl.us.ffct, by calling (850)922-2207, SunCom 292-2207 or by writing Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Written comments: Written comments will be evaluated in the identical manner as statements made at the meetings. Written comments may be presented at the meetings or mailed to the Executive Director at the Trust address given above. Written comments should be received by 5:00 p.m., December 8, 2000. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

NOTICE OF CHANGE – The Florida **Department of Revenue** announces a meeting of the Communication Services Tax Advisory Committee to the Executive Director, to which all persons are invited:

DATE AND TIME: November 27, 2000, 9:00 a.m.*

PLACE: Building C-1, Capital Center, 5050 West Tennessee Street, Tallahassee, Florida

PURPOSE: To advise the Committee about the Department's transition strategy, business processes, rulemaking, and future legislative issues and obtain recommendations regarding the Communication Services Tax.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any public meeting conducted by the Department 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, 1(800)DOR-TDD1, (1(800)367-8331).

* This meeting was originally published in the November 3, 2000 edition of the Florida Administrative Weekly to begin at 10:00 a.m. No other changes to the original Notice of Public Meeting have been made by the Department.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIME: December 4, 2000, 7:00 p.m.

PLACE: Carlos E. Haile Middle School, 9501 State Road 64 East, Bradenton, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of proposed improvements to State Road 64 from east of Interstate 75 to the entrance of Carlos E. Haile Middle School in Manatee County, a distance of 1.4 miles, Financial Project ID Number 196022-1-22-01.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or contact Mr. Antone N. Sherrard, (863)519-2304.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Bryan Williams, Florida Department of Transportation, Environmental Management Office, 801 North Broadway, Bartow, Florida 33831.

The **Department of Transportation**, District 3 and the City of Fort Walton Beach announce a public hearing, to which all persons are invited.

DATE AND TIME: Tuesday, December 5, 2000, 5:30 p.m.

PLACE: Fred Hedrick Recreation Center, 132 Jet Drive, Room A, Fort Walton Beach, FL

PURPOSE: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771 and Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, design, social, economic and environmental effects of Financial Project ID 404214-1-52-01, otherwise known as the US 98 – Around the Mound Project Development and Environment (PD&E) Study. This study will look at the rerouting of US 98 north of the Indian Temple Mound in downtown Fort Walton Beach and at improving the interdependent operational deficiencies of SR 85 and SR 145. Right-of-way acquisition is proposed for this project, but there are no business or residential relocations associated with this project. Potential encroachments on wetlands and floodplains are not anticipated at this time, however, if any encroachments are identified at a later time, they may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Mr.

Mark Van Hala, P. E., (850)833-9606. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Carl Gibilaro, P. E., Project Manager, P B S & J, 1560 Orange Avenue, Suite 700, Winter Park, FL 32789.

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: December 6, 2000, 7:00 p.m.

PLACE: Orlando Expo Center, 500 W. Livingston Street, Orlando, FL

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects, of State Project Numbers 242499 1 31 01, 242587 1 31 01, Federal Aid Numbers FL 43001 and 0042193, otherwise known as Interstate 4 interim auxiliary lanes. The limits of the project corridor are from John Young Parkway (SR423) in Orange County, Florida to Semoran Blvd. (SR436), in Seminole County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address below or call, (904)943-5730.

Special accommodation requests under the Americans with Disabilities Act should be made at least ten (10) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Alan Ledgerwood, Project Manager, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

The Florida **Department of Transportation**, District One announces a public hearing to which all interested persons are invited. Specific notice is provided to the Polk, Lee, Sarasota/Manatee, Charlotte and Collier Metropolitan Planning Organizations (MPO's) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee and DeSoto Counties.

DATE AND TIME: December 11, 2000, 2:00 p.m.

PLACE: Charlotte County Airport, 28000 Airport Road, Punta Gorda, Florida

PURPOSE: This hearing will consist of presentations by the Department on the Tentative Five Year Work Program for fiscal years 2001/2002-2005/2006, followed by a public testimony period. This public hearing is being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At the hearing, the public is invited to review the District One Tentative Five Year Work Program. Department staff will be available prior to and immediately following for

informal discussion and assistance. A Court reporter will be available to accept public comments, if desired, for entry into the public records.

The proposed projects have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under title VI and Title VII of the United States Civil Rights Act any person(s) or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability of familial status may file a written complaint to the Florida Department of Transportation Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VII Coordinator as shown below:

CENTRAL OFFICE: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

DISTRICT 1: Florida Department of Transportation, District 1, 801 North Broadway, Bartow, Florida 33830, Attn.: Cora Mitchell.

If requested and in compliance with the Americans with Disabilities Act, the Department will provide special assistance at the public hearing for those persons who are disabled. Those persons requiring special assistance must send written notification to the Department at least 10 days prior to the public hearing to: Susan King, Florida Department of Transportation, 801 North Broadway, Bartow, Florida 33830.

A copy of the agenda may be obtained from Susan King at the same address, or by calling (863)519-2394.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the public hearing. Comments should be mailed to: David A. Twiddy, P. E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The following are meetings concerning the Departments Tentative Five Year Work Program for fiscal years 2001/2002-2005/2006 but are not public hearings.

DATE AND TIME: November 30, 2000, 9:00 a.m.

PLACE: Okeechobee County Courthouse, 304 N. W. 2nd Street, Okeechobee, Florida

DATE AND TIME: December 7, 2000, 9:00 a.m.

PLACE: Polk County Admin. Bldg., 300 W. Church Street, Bartow, Florida

DATE AND TIME: December 8, 2000, 9:00 a.m.

PLACE: Fort Myers City Hall, 2200 2nd Street, Fort Myers, Florida

DATE AND TIME: December 8, 2000, 1:00 p.m.

PLACE: Collier County Government Center, Naples, Florida

DATE AND TIME: December 11, 2000, 9:30 a.m.

PLACE: Sudakoff Center, 5700 N. Tamiami Trail, Sarasota, Florida

DATE AND TIME: December 12, 2000, 9:00 a.m.

PLACE: DeSoto County Admin. Bldg., 115 E. Oak Street, Arcadia, Florida

DATE AND TIME: December 12, 2000, 9:00 a.m.

PLACE: Glades County Courthouse, 500 Avenue J, Moore Haven, Florida

DATE AND TIME: December 12, 2000, 6:30 p.m.

PLACE: Clewiston City Hall, 115 W. Venture Blvd., Clewiston, Florida

DATE AND TIME: December 14, 2000, 9:00 a.m.

PLACE: Hardee County Courthouse, 412 West Orange Street, Wauchula, Florida

DATE AND TIME: December 19, 2000, 9:00 a.m.

PLACE: Highlands Board of County Commission, 411 Eucalyptus Street, Sebring, Florida

The **Department of Transportation**, Turnpike District announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, December 12, 2000, Open House, 6:00 p.m. – 7:00 p.m.; Formal Presentation, 7:00 p.m. – 8:00 p.m.

PLACE: Dan Pearl Library, 10500 West Oakland Park Boulevard, Sunrise, FL 33351

PURPOSE: This Hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18 Florida Statutes. This hearing is also being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771, and Section 339.155, Florida Statutes and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, design, social and environmental effects of Financial Project ID Number: 232352-1, Work Program Item No. (old): 4151714, otherwise known as the Sawgrass Expressway Widening Final Design Project. The limits of the project are from south of Sunrise Boulevard (approximate Mile Post 0.0) to south of Atlantic Boulevard (approximate Mile Post 8.0), a distance of approximately 8.0 miles in Broward County. Wetlands may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Catherine Bradley, (407)532-3999, Ext. 3802. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Catherine Bradley P. E., District Project Development Engineer, Florida Department of Transportation, Turnpike Headquarters, Building 5315, P. O. Box 613069, Ocoee, FL 34761.

The **Department of Transportation**, District 4 announces a Public Hearing to which all persons are invited.

DATE AND TIME: November 16, 2000, 6:30 p.m.

PLACE: Davie Police Department, Community Room, 1230 South Nob Hill Road, Davie, Florida

PURPOSE: This Hearing is being conducted to afford interested persons the opportunity to provide input on the proposed improvements to Interstate 595 (SR 862) in Broward County, Florida for Work Program Item Number 4140033, State Project Number 99004-1406, Federal Number ACDH9999(105), otherwise known as the I-595 Master Plan from S. W. 136th Avenue to US 1.

Anyone needing project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call, (954)777-4632, Toll Free 1(800)930-3368, Extension 4632 or e-mail Scott.Seeburger@dot.stat.fl.us.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Mr. Scott Seeburger, Project Manager, Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Florida Transportation Commission** announces public meetings to which all persons are invited:

DATE AND TIME: November 20, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Teleconference for Commissioners by KPMG Consulting LLC concerning an organizational study of the Florida Department of Transportation.

DATE AND TIME: November 21, 2000, 8:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, MS 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *November 27, 2000, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

* In the event of a scheduling conflict, this meeting may be moved to November 27, 2000, immediately following the Commission Conference, in Room 140.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991666-WU – Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

DATE AND TIME: November 27, 2000, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990080-WS – Complaint and request for hearing by Linda J. McKenna and 54 petitioners regarding unfair rates and charges of Shangri-La by the Lake Utilities, Inc. in Lake County.

DATE AND TIME: November 27, 2000, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** will consider at its Agenda Conference, Docket No. 001555-GU, Application by Florida Division of Chesapeake Utilities Corporation (Chesapeake or Company) for authorization pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code, to issue common stock, preferred stock and secured and/or unsecured debt and to exceed the limitation placed on short-term borrowings in 2001. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue up to 6,000,000 shares of Chesapeake common stock, up to 1,000,000 shares of Chesapeake preferred stock, and up to \$80,000,000 in secured and/or unsecured debt and to obtain authorization to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in an amount not to exceed \$40 million.

DATE AND TIME: Tuesday, November 28, 2000, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No. 001555-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 28, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting: Division of Records and Reporting, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 000580-WU

DATE AND TIME: November 30, 2000, 6:00 p.m.

PLACE: Bartow Civic Center, The Game Room, 2250 South Floral Avenue, Bartow, Florida 33830

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of the Governor** announces the following conference call to which all persons are invited.

DATE AND TIME: November 20, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Telephone (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission on the Homeless.

Any person requiring special accommodations to participate in this conference call is asked to advise staff at least 48 hours before the meeting by contacting: Kimberly Dale, Executive Office of the Governor, 208 The Capitol, Tallahassee, Florida 32399, (850)488-5000.

REGIONAL TRANSPORTATION AUTHORITIES

The **Central Florida Regional Transportation Authority** (LYNX) announces the following public meetings of the Governing Board of the Authority.

DATE AND TIME: November 27, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Metropolitan Atlanta Rapid Transit Authority, 2424 Piedmont Road, Atlanta, GA 30324

PURPOSE: Site visit to candidate applying for the position of LYNX Executive Director.

DATE AND TIME: November 28, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Indianapolis Public Transit Corporation, 1501 W. Washington Street, Indianapolis, IN

PURPOSE: Site visit to candidate applying for the position of LYNX Executive Director.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

The **Central Florida Regional Transportation Authority** (LYNX) announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: December 7, 2000, 2:30 p.m.

PLACE: Educational Leadership Center, Board Room, First Floor, 445 W. Amelia Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Approval of Minutes
3. Chairman's Report
4. Action Consent
5. Action Discussion
6. Work session (presentations)
7. Information Items
8. Other Business

A copy of the detailed agenda may be obtained by contacting: Carol Frahn, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces a meeting/workshop to which all interested public is invited.

DATE AND TIME: November 21, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Koger Office Complex, Forrest Building, Conference Room 301F, 2728 Centerview Drive, Tallahassee, Florida 32399

PURPOSE: The Department of Labor and Employment Security, Division of Workers' Compensation announces its intent to repeal Section 38F-6.012(2)(c), Florida Administrative Code. The purpose of this public workshop is to collect public comment with regard to same.

For further information about this meeting or for a copy of the agenda, contact: Joyce Demato, Room 109, Montgomery Building, 2562 Executive Center Circle, East, Tallahassee, Florida 32399-0661, (850)488-2713, Extension 143.

Persons with a disability or handicap requiring reasonable accommodation should contact Joyce Demato in writing or by telephone at least three business days in advance of the meeting to make appropriate arrangements. People who are hearing or speech impaired, please contact Joyce Demato by using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Workers' Compensation Task Force**, promulgated under Senate Bill 2532, announces the following meeting of the Workers' Compensation Task Force to which the public is invited. The task force has been formed for review of the workers' compensation system.

DATE AND TIME: Monday, November 27, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Marriott, Duval Room, Tampa International Airport, Tampa, FL 33607

PURPOSE: Third meeting of the Workers' Compensation Task Force for review of the Workers' Compensation System.

Persons with a disability or handicap requiring reasonable accommodations should contact: Jacki Lawhon, 2728 Centerview Drive, Suite 302, Forrest Building, Tallahassee, Florida 32399-0682, (850)922-8062, at least three business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Jacki Lawhon using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Division of Blind Services** and The Rehabilitation Council for the Blind announces the following meeting:

DATES AND TIMES: December 1, 2000, 8:30 a.m. – 5:00 p.m.; December 2, 2000, 8:30 a.m. – 12:00 Noon

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)398-8800

PURPOSE: Quarterly Meeting of the Council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger, Tallahassee, FL 32399, (850)488-1330 or through the Florida Telephone Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee telephone conference call:

DATE AND TIME: Wednesday, November 22, 2000, 10:00 a.m.

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177

PURPOSE: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **Southwest Florida Water Management District** announces the following public hearing which all interested persons are invited:

DATES AND TIME: December 19, 2000; December 20, 2000, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Starkey project comprised of the exchange of one parcel of District-owned Land referred to as SWF Parcel No. 15-705-106S consisting of approximately 220.93 acres and lying in portions of Sections 27 and 34, Township 25, South, Range 17, East in Pasco County, Florida; the parcel being exchanged is referred to as SWF Parcel No. 15-010-037 consisting of approximately 487.72 acres and lying in portions of sections 32 and 33, Township 255, Range 17, East in Pasco County, Florida.

Part of the R. V. Griffin Reserve project comprised of one parcel referred to SWF Parcel No. 21-599-101 consisting of approximately 5100± acres. The parcel is located East of Toledo Blade Boulevard in all or parts of Sections 1, 2, 10, 11, 12, 13, 14 and 15, Township 39, South, Range 22, East in Sarasota County, Florida.

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 11-728-105 consisting of approximately 69.71 acres and lying in Section

25, Township 30, South, Range 19, East in Hillsborough County, Florida: the parcel is located on the North side of Symmes Road, West of Interstate 75.

Part of the Myakka River project comprised of one parcel referred to as SWF Parcel No. 21-708-123 consisting of approximately 1305 acres±. The parcel is located South of Interstate 75 in all or parts of Sections 8, 9, 16, and 17, Township 39 South, Range 20 East in Sarasota County, Florida.

Part of the Lake Hancock project comprised of one parcel referred to as SWF Parcel No. 20-503-101 consisting of approximately 1,275 acres and lying in Sections 1 and 2, Township 29, South, Range 24, East, and Section 31, Township 28, South, Range 25, East, and Section 6, Township 29, South, Range 25, East, located on the South side of County Road 540 East of its intersection with Highway 98 in Polk County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)7546877, TTD only 1(800)231-6103.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a meeting of the End-of-Life Care Workgroup to which all interested parties are invited.

TIME AND DATE: Monday, November 27, 2000, 10:00 a.m. – 3:00 p.m.

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

PURPOSE: To examine end-of-life care reimbursement methodologies, identify end-of-life care standards and develop recommendations for incentives for appropriate end-of-life care as required by Section 16 of Chapter 2000-295, Laws of Florida.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Macdonald, (850)414-2113, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Linda Macdonald, Department of Elder Affairs, 4040 Esplanade Way, Room 325C, Tallahassee, FL 32399-7000.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, November 15, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room “E”, Tallahassee, Florida 32308

PURPOSE: In compliance with Chapter 98-171, Laws of Florida, the Agency for Health Care Administration is directed to conduct a review of the effectiveness of applicant background screening requirements in preventing persons with specified criminal backgrounds from operating health care programs and in preventing or deterring health care fraud and abuse. This meeting is in follow-up to the original held on September 28, 2000. A draft of the final report will be reviewed.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration’s Background Screening Unit, 2727 Mahan Drive, Mail Stop 40, Tallahassee, Florida 32327 or by calling Daryl Barowicz, (850)410-3400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Daryl Barowicz, (850)410-3400. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service, 1(800)955-8770.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the **Information Service Technology Development Task Force** will hold a one-day meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 1, 2000, 8:00 a.m. – 5:00 p.m.

PLACE: Morris Hall, House Office Building, Room 17, Tallahassee, Florida

PURPOSE: Carry out the legislative mandate of the Task Force to establish policy recommendations for the annual legislative report due February 14, 2001. The Task Force will be voting on the policy recommendations to be included in the annual legislative report. The public is invited to attend.

For additional information, contact: Stacey McMillian, itflorida.com, 501 S. Calhoun Street, 318 Carlton Building, Tallahassee, Florida 32399-6548, (850)410-0850.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop to which all interested persons are invited to discuss a draft rule for the development of a methodology to identify impaired waters for listing on the State’s 303(d) list.

DATE AND TIME: Thursday, December 7, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Orlando District Office, 33319 Maguire Blvd., Suite 232, Orlando, Florida

PURPOSE: To receive public input on the draft rule for the development of the methodology to identify impaired waters for inclusion on the State’s 303(d) list pursuant to Section 403.067, Florida Statutes and Section 303(d) of the federal Clean Water Act.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling him, (850)921-9488.

The **Department of Environmental Protection** announces a public hearing to which all interested persons are invited.

DATE AND TIME: December 13, 2000, 1:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: To receive testimony and public comment and to take final action on proposed management of the FY 2001 State Revolving Fund loan priority lists for wastewater and stormwater. Neptune Beach has met all program requirements for a construction loan and is eligible to be added to the fundable portion of the priority list and they have requested that the Department hold a hearing for that purpose. Other wastewater and stormwater projects have been identified which could potentially be eligible for addition to a list at the hearing. Approximately \$55 million is available for assignment to projects. The Department may adopt, modify, or deny the proposed actions at the hearing. Projects may be added to the wastewater construction or preconstruction priority list pursuant to Rule 62-503.680, FAC., or to the stormwater construction priority list pursuant to Rule 62-504.680, FAC., if requests and required documentation are approved by the Department by November 10, 2000. Under recently approved incipient Agency policy, preconstruction loans for stormwater project planning and design may be authorized. The Department’s funding commitment to projects currently

assigned to a priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding each of the lists and any proposed actions.

After the hearing, the Department will file the Final Order for actions taken at the hearing.

A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station 3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing. A copy of the draft priority lists may be obtained by contacting Gary Powell, Bureau of Water Facilities Funding at the same address, phone (850)488-8163 or Suncom 278-8163 or e-mail gary.powell@dep.state.fl.us.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF HEALTH

The **Department of Health** and the Dietetics and Nutrition Practice Council, under the **Board of Medicine** announces a meeting to which all persons are invited.

DATE AND TIME: November 28, 2000, 9:00 a.m. or soon thereafter

PLACE: The Clarion Hotel, 2108 Dixie Clipper Road, Jacksonville, FL 32218-3126, (904)741-1997

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the council office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Agency for Health Care Administration** announces a meeting to which all persons are invited.

DATE AND TIMES: December 4, 2000, the three subcommittees of the Commission, 8:00 a.m. – 10:00 a.m., the Commission, 10:00 a.m. – 5:00 p.m. or soon thereafter

PLACE: Holiday Inn Select, 1301 Bell Tower Drive, Ft. Myers, Florida 33907, (941)482-2900

PURPOSE: Florida Commission on Excellence in Health Care Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255, visit our web-site at www.doh.state.fl.us or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting, (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting and Chelation Therapy Public Hearing to which all persons are invited.

DATE AND TIME: November 16, 2000, 9:00 a.m., Quality Assurance Committee Meeting to be held upon adjournment of the Chelation Therapy Public Hearing

PLACE: Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Dania, FL 33004, (954)920-3300

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the

proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Nursing** announces the following meeting to which all persons are invited.

DATE AND TIME: November 17, 2000, 3:00 p.m.

PLACE: 4080 Woodcock Dr., Jacksonville, FL, telephone conference

PURPOSE: To consider a Recommended Order.

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

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: December 4-5, 2000, 8:00 a.m. (EST)

PLACE: Crowne Plaza Hotel, 950 N. W. Lejeune Road, Miami, FL

PURPOSE: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet after the December 5th session. This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)245-4444, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The **Board of Podiatric Medicine**, Probable Cause Panel will hold the following duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 30, 2000, 3:00 p.m.

PLACE: Double Tree Hotel, 4500 W. Cypress Street, Tampa, Florida, (813)879-4800

PURPOSE: For reconsideration of cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold the following duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, December 1, 2000, 9:00 a.m.

PLACE: Double Tree Hotel, 4500 W. Cypress Street, Tampa, Florida, (813)879-4800

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 10, 2000, 12:00 Noon or soon thereafter

PLACE: Conference Call, Meet Me Number (850)488-5778, Suncom 278-5778

PURPOSE: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing

or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2001, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

PURPOSE: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Community Alliance Nominating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2000, 9:00 a.m.

PLACE: Daytona Beach Service Center, 210 North Palmetto Avenue, Conference Room 440, Daytona Beach, Florida

PURPOSE: To discuss and recommend slate of officers.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Suite 430J, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

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

DATES AND TIME: November 7-9, 2000; November 14-16, 2000; November 21-22, 2000; November 28-30, 2000; December 5-7, 2000; December 12-15, 2000; December 19-21, 2000; December 26-28, 2000, 10:00 a.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Suite 148, Daytona Beach, Florida

PURPOSE: PCBC, Inc. negotiations.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Community Alliance announces the following public meetings to which all persons are invited.

DATES AND TIMES: November 8, 2000, 9:00 a.m., Workshop; December 13, 2000, 2:00 p.m., General Business; January 10, 2001, 2:00 p.m., General Business; February 14, 2001, 2:00 p.m., General Business; March 14, 2001, 2:00 p.m., General Business

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

The **Department of Children and Family Services**, District Ten in conjunction with the community will conduct the following meeting during the month of November: The Department of Children and Family Services, Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting to which you are invited:

DATE AND TIME: November 13, 2000, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alcohol, Drug Abuse and Mental Health related issues.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

The Florida **Department of Children and Family Services** announces the next scheduled conference call meetings of the following workgroups of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

LAW ENFORCEMENT WORKGROUP

DATE AND TIME: October 31, 2000, 11:00 a.m. – 12:30 p.m.

PLACE: Conference Call (850)488-2854, Suncom 278-2854

PURPOSE: Workgroup Plans.

JUSTICE SYSTEM WORKGROUP

DATE AND TIME: November 9, 2000, 8:00 a.m. – 9:30 a.m.

PLACE: Conference Call (850)488-2854, Suncom 278-2854

PURPOSE: Workgroup Plans.

CULTURAL DIVERSITY WORKGROUP

DATE AND TIME: November 15, 2000, 1:30 p.m. – 3:00 p.m.

PLACE: Conference Call (850)488-2854, Suncom 278-2854

PURPOSE: Workgroup Activity.

EDUCATION COMMITTEE WORKGROUP

DATE AND TIME: November 16, 2000, 9:00 a.m. – 10:30 a.m.

PLACE: Conference Call (850)921-2560, Suncom 291-2560

PURPOSE: Website for Targeting School Curriculum.

EXECUTIVE COMMITTEE

DATE AND TIME: November 17, 2000, 9:00 a.m. – 10:00 a.m.

PLACE: Conference Call (850)921-2560, Suncom 291-2560

PURPOSE: Task Force Priorities.

EXECUTIVE COMMITTEE

DATE AND TIME: December 12, 2000, 9:30 a.m. – 10:30 a.m.

PLACE: Conference Call (850)921-2560, Suncom 291-2560

PURPOSE: Task Force Business.

EDUCATION COMMITTEE WORKGROUP

DATE AND TIME: December 14, 2000, 9:00 a.m. – 10:30 a.m.

PLACE: Conference Call (850)921-2560, Suncom 291-2560

PURPOSE: Website for Targeting School Curriculum

To participate in the conference calls simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234 and tell the operator the trouble you are experiencing and reference confirmation number 30L0515. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Children and Family Services, (850)921-2168.

The Family Preservation and Support Coalition Training Committee, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: November 21, 2000, 9:30 a.m.

PLACE: United Way of Volusia and Flagler Counties, 3747 West International Speedway Blvd., Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Jeff Miller.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Jeff Miller, (904)226-7826, at least 48 hours in advance of the meeting. Hearing impaired please use Florida Relay System, 1(800)955-8771.

The **Department of Children and Family Services**, Refugee Services Office announces the following public meetings to which all interested persons are invited.

MEETING: District 4/Duval County Refugee Task Force

DATE AND TIME: Wednesday, November 29, 2000, 1:30 p.m. – 4:00 p.m.

PLACE: Lutheran Social Services, 421 West Church St., Suite 322, Jacksonville, FL 32202, contact person is Juel Kamke, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval County Area/Children and Family Services, District 4.

A copy of the agenda may be obtained by writing: Juel Kamke, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 302, Tallahassee, FL 32399-0700.

MEETING: Districts 5, 6 and 14 – Tampa Bay Area Refugee Task Force

DATE AND TIME: Tuesday, November 28, 2000, 9:30 a.m.

PLACE: TBA, contact Person is Osman Uzun, (850)413-4200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Area/Children and Family Services, District(s) 5, 6 and 14.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 302, Tallahassee, FL 32399-0700.

MEETING: District 7/Orlando Refugee Task Force

DATE AND TIME: No meeting scheduled for November

PLACE: Contact Person is Juel Kamke, (850)413-8217

GENERAL SUBJECT MATTER TO BE CONSIDERED:
There is no meeting for November.

MEETING: District 9/Palm Beach County Refugee Task Force
DATE AND TIME: Wednesday, November 15, 2000, 1:30 p.m.

PLACE: The Naval and Marine Corps Reserve Center, 1227 Marine Drive, West Palm Beach, FL, (561)687-3954, contact person is Bill Long, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Palm Beach County Area/Children and Family Services, District 9.

A copy of the agenda may be obtained by writing: Bill Long, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 302, Tallahassee, FL 32399-0700.

MEETING: District 10/Broward County Refugee Task Force
DATE AND TIME: Tuesday, November 28, 2000, 9:00 a.m. – 12:00 Noon

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301, contact person is Cheraka Thomas, (850)414-0067

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Broward County Area/Children and Family Services, District 10.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 302, Tallahassee, FL 32399-0700.

MEETING: District 11/Miami Area Refugee Task Force
DATE AND TIME: No meeting scheduled for November

PLACE: Contact person is Taddese Fessehay, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: No meeting scheduled for November.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting at the Refugee Services Office, (850)488-3791, Fax (850)487-4272.

If you are hearing or speech impaired, please contact the agency by calling TDD (850)922-4449 and reference the specific Refugee Task Force Meeting, by location and date.

The **Department of Children and Family Services**, District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: November 30, 2000, 2:00 p.m.

PLACE: Room 1027R, University Center, UNF, 12000 Alumni Drive, Jacksonville, FL 32224

PURPOSE: Bylaws meeting of the community alliance.

DATE AND TIME: December 12, 2000, 2:00 p.m.

PLACE: Room 1003Q, University Center, UNF, 12000 Alumni Drive, Jacksonville, FL 32224

PURPOSE: Organizational meeting of the community alliance (all five counties of District 4).

DATE AND TIME: January 16, 2001, 3:30 p.m.

PLACE: Conference Room 1, Roberts Bldg., District Office, 5920 Arlington Expressway, Jacksonville, FL 32211

PURPOSE: Regular Meeting of the Regional Health and Human Services Committee.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Glenda Davis).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Glenda Davis, (904)723-2022, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Manatee Technical Advisory Council and invites the public to attend.

DATE AND TIME: Thursday, November 30, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Management Services, Betty Easley Center, 4075 Esplanade Way, Room 180, Tallahassee, FL 32301

PURPOSE: Manatee Technical Advisory Council Meeting.

A copy of the agenda may be obtained by writing: Angela Burt, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399 or by calling (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least seven (7) days before the meeting by contacting Angela Burt, (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

FLORIDA BIRTH DEFECTS REGISTRY ADVISEMENT COMMITTEE

The **Florida Birth Defects Registry Adivement Committee** announces a meeting to which all interested persons are invited.

DATE AND TIME: November 9, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa International Airport Marriot Hotel, Tampa, FL

The agenda items to be discussed are:

- Update on Neural Tube Defects Enhanced Surveillance
- Update on Enhanced Fetal Death Surveillance
- Update on Federal Activities, PEW Survey

- Preliminary Data and Data Update
- Knowledge of Folic Acid and Use of Multivitamin Supplements among Florida Women
- Legislative Proposal to Amend Data Release Rules for Out-of-State Researchers
- Update on Electronic Reporting
- March of Dimes Advocacy
- Future FBDR Funding

For further information, please contact: Dr. Perry Brown, Associate Professor, Institute of Public Health, (850)599-8839, Fax (850)599-8830.

AREA AGENCY ON AGING OF CENTRAL FLORIDA

The **Area Agency on Aging of Central Florida, Inc. d/b/a Senior Resource Alliance** announces a public hearing on the 2001 Area Plan for elder services in Brevard, Orange, Osceola and Seminole Counties.

DATE AND TIME: Friday, November 10, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Senior Resource Alliance, 988 Woodcock Road, Conference Room A, Orlando, Florida 32803

PURPOSE: A public hearing.

A draft copy of the 2001 Area Plan will be available for review as of November 6, 2000. The Plan will be submitted to the Florida Department of Elder Affairs on November 15, 2000.

The public hearing is being conducted in an ADA accessible location. Anyone needing special accommodations and/or interpreters should contact Sue Bertolotti, (407)228-1823.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council, Inc.** announces the following meetings.

PLANNING COMMITTEE

DATE AND TIME: Tuesday, November 14, 2000, 5:00 p.m. – 6:00 p.m.

TRAINING DAY

DATE AND TIME: Wednesday, November 15, 2000, 8:30 a.m. – 3:45 p.m.

ADVOCACY COMMITTEE

DATE AND TIME: Wednesday, November 15, 2000, 4:00 p.m. – 5:15 p.m.

OUTREACH COMMITTEE

DATE AND TIME: Wednesday, November 15, 2000, 5:30 p.m. – 6:30 p.m.

FILC FULL COUNCIL

DATE AND TIME: Thursday, November 16, 2000, 9:00 a.m. – 3:00 p.m.

PLACE: Embassy Suites Hotel, 225 E. Altamonte Drive, Altamonte Springs, FL 32701, (407)834-2400

PURPOSE: To conduct Council business.

If there are any questions please contact: Florida Independent Living Council, Inc., 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll-free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The **Florida Center for Solid and Hazardous Waste Management Research Selection Committee** announces a meeting to which all interested persons are invited.

DATE AND TIME: November 30, 2000, 8:30 a.m. – 2:00 p.m.

PLACE: Best Western Gateway Grand, 4200 Northwest 97th Boulevard, Gainesville, Florida

For further information please call (352)392-6264.

FLORIDA POLICY EXCHANGE CENTER ON AGING

The Lieutenant Governor Frank T. Brogan announces a business meeting of the **Task Force on the Availability and Affordability of Long-Term Care** (HB 1993).

DATE AND TIME: November 20, 2000, 9:45 a.m. – 6:00 p.m. Business Meeting, (break from 1:00 p.m. – 2:00 p.m.); November 21, 2000, 9:00 a.m. – 12:30 p.m., Business Meeting

PLACE: Senate Room 37, The Capitol, Tallahassee, FL

PURPOSE: To hold a business meeting of the Task Force.

Contact Jennifer R. Salmon, Project Coordinator, (813)974-3468.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

EXECUTIVE OFFICE OF THE GOVERNOR

On September 7, 2000, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Lakewood Ranch Community Development District 5 (the "District"). The Commission will follow the requirements of Rule Chapter 42-1, Florida Administrative Code (FAC.), and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition filed by SMR Communities Joint Venture requests that the Commission establish a community development district located in Manatee County, Florida. The land area proposed to be served by the District comprises approximately 1,173.19 acres. Upon establishment, the proposed Lakewood Ranch CDD 5 will encompass land proposed to be contracted from the Lakewood Ranch CDD 2 and additional land. (The Lakewood Ranch CDD 2 contraction petition is currently pending before the Commission for approval to amend the boundaries to delete 706.62 acres.) The proposed District's general location is depicted in Exhibit 1 of the petition. There is no property located within the external boundaries of the proposed District that is to be excluded from the District. The proposed development within the District contemplates the construction of 908 single-family residential units, 208 condominium units, a golf course and country club facility and a sports/fitness complex. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, intends to participate in the construction of certain facilities and services such as roadways, lighting, utilities, drainage, landscaping/lakes/irrigation, security, fire and parks and recreation on the lands within the District.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 7 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small

cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the land owners in the proposed District, land owners in the existing Lakewood Ranch CDD 2 after contraction, the State of Florida, and Manatee County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), the Commission and State of Florida will incur minimal one-time administrative costs. Manatee County will also incur one-time administrative costs which are offset by the required filing fee paid to the County. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Also, various financing reserves must be provided for, such as a Debt Service and capitalized interest in addition to estimated costs of bond issuance. The District may issue notes, bonds or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual special assessment levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Manatee County is not a small county as defined. Under section (e), the analysis was based on an application of economic theory with input received from the petitioner's engineer and other professionals associated with the petitioner.

A hearing will be held at the time, date and place shown below:

TIME AND DATE: 1:00 p.m., Tuesday, November 21, 2000

PLACE: City Hall
City Council Chambers
101 Old Main Street
Bradenton, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Erin Larrinaga, (813)228-7411, at least 5 business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Erin Larrinaga, Fowler, White, Gillen, Boggs, Villareal and Banker, P. A., Post Office Box 1438, Tampa, Florida 33601 or Barbara Leighty, Florida Land and

Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, (850)488-7793.

On September 7, 2000, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to adopt an administrative rule to amend the boundaries of the Lakewood Ranch Community Development District 2 (the "District") as reflected in Chapter 42W-1, Florida Administrative Code (FAC.). The Commission will follow the requirements of Rule Chapter 42-1, FAC., and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition was filed by Lakewood Ranch Community Development District (CDD) 2, 10300 N. W. Eleventh Manor, Coral Springs, Florida. The proposed area to be deleted from the existing District consists of approximately 706.62 acres located in Manatee County, Florida. The general location of the contraction parcel is depicted in Exhibit 2 of the petition. If the petition to contract is approved, the remaining land area of the District will consist of approximately 1,373.97 acres. (The contraction parcel is proposed for inclusion in the boundaries of the proposed Lakewood Ranch CDD 5. The Lakewood Ranch CDD 5 establishment petition is currently pending before the Commission.) As a result of the proposed contraction, 573 fewer single family units will be included within the District. Written consent and joinder to the Petition to Contract the District by the landowner of the contraction parcel is contained in Exhibit 4 of the petition. The filing of the petition for contraction by the District Board of Supervisors constitutes consent of the landowners within the District, other than the landowners whose land is proposed to be removed from the District.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to contract the District. The complete text of the SERC is contained as Exhibit 8 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to contract the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a

statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the remaining land owners in the District after contraction, the contraction parcel land owners to be included in the proposed Lakewood Ranch CDD 5, the State of Florida, and Manatee County. In addition, future property owners will be affected by the contraction of the proposed District. Under section (b), the Commission and State of Florida will incur minimal one-time administrative costs. Manatee County will also incur one-time administrative costs which are offset by the required filing fee paid to the County. Adoption of the proposed rule to approve the contraction of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Also, various financing reserves must be provided for, such as a Debt Service and capitalized interest in addition to estimated costs of bond issuance. The District may issue notes, bonds, or other indebtedness to fund its improvement program. The District may also impose an annual special assessment levy for the operations and maintenance of the District. The cost per unit for operations and maintenance in the District, after contraction, is projected to decline. Additionally, the total capital improvement plan for the District, after contraction, is reduced because the community and the master infrastructure to serve the new and smaller District is proportionately reduced. Under section (d), approval of the petition to contract the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Manatee County is not a small county as defined. Under section (e), the analysis was based on an application of economic theory with input received from the petitioner's engineer and other professionals associated with the petitioner.

A hearing will be held at the time, date and place shown below:

TIME AND DATE: 1:00 p.m., Tuesday, November 21, 2000

PLACE: City Hall
City Council Chambers
101 Old Main Street
Bradenton, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Erin Larrinaga, (813)228-7411, at least 5 business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Erin Larrinaga, Fowler, White, Gillen, Boggs, Villareal and Banker, P. A., Post Office Box 1438, Tampa, Florida 33601 or Barbara Leighty, Florida Land and

Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, (850)488-7793.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on October 25, 2000 from Douglas Jackson. Petitioner is seeking amendment of Rule 33-602.405, Florida Administrative Code, to require the Department to delete provisions which authorize a fifteen cents per page charge for standard legal or letter size copies.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a final order In Re: Petition for Declaratory Statement, Mariners Cove of Manatee County, LTD., Petitioner; Docket Number CD2000-150.

The Petitioner requested a withdrawal of the Petition for Declaratory Statement. The Division entered an Order granting withdrawal of the petition and closed the file.

A copy of the final order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Parliament Towers Condominium, Inc., Petitioner.

Petitioner requests an opinion of the effect on its election of officers, some of whom may be re-elected, of a recall petition being served on the board shortly before its annual election and what action the board must take under 718.112(2)(j), Florida Statutes, if the recall petition is actually served.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-176, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Sue Richardson, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-2202.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

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

Lakesmart Associates, LTD. vs. Florida Housing Finance Corporation; Case No.: 00-4287RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

Request for Proposal

A meeting to review and evaluate proposals received in response to the Request for Proposals (RFP) #2001-07, Statewide Rehabilitation Technology Services, will be held November 28-30, 2000, 9:00 a.m. – 5:00 p.m., at the Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida.

To obtain additional information and request an agenda for this meeting, please contact: Roxana Beardall, (850)921-5910, Ext. 238.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Roxana Beardall, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)921-5910, Ext. 238, no later than November 22, 2000.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-74, W/O 289550, Bruton-Geer Automatic Fire Sprinkler System, estimated budget: \$200,000-\$225,000, to be opened December 6, 2000, 1:30 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL.

Scope of work: Install an automatic fire sprinkler system with fire alarm devices added to the existing fire alarm system for monitoring new sprinkler devices. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Mandatory Pre-bid Meeting will be held November 21, 2000, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed: A. J. Sontag, C.P.M., Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-75, W/O 292682, Holland Hall Fire Sprinkler System, estimated budget: \$350,000-\$400,000, to be opened December 6, 2000, 2:00 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL.

Scope of work: Install a new automatic fire sprinkler system for west half of ground, first, second and third floors. New fire alarm system for areas stated above, complete with new fire alarm panel. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Mandatory Pre-bid Meeting will be held November 21, 2000, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed: A. J. Sontag, C.P.M., Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

CALL FOR BIDS

made by the University of Florida for and on behalf of the Board of Regents, a public corporation of the State of Florida
PROJECT NAME, NUMBER AND LOCATION: Hume Residence Hall, BR-103, Gainesville, FL

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: December 20, 2000, until 1:30 p.m., local time

PLACE: UF Division of Purchasing, Elmore Hall, Radio Road, Gainesville, Florida, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer, Ponikvar & Associates, 5700 S. W. 34th Street, Suite 1307, Gainesville, Florida 32608, (352)372-1378.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Office of Supplier Diversity, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: A mandatory pre-bid meeting will be held prior to the scheduled bid opening date for the purpose of considering questions posed by bidders. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: November 30, 2000, 3:00 p.m., local time

PLACE: Room 284, J. Wayne Reitz Union, University of Florida, Gainesville, FL

DEPOSIT: \$250 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$250 per set for the printing and handling cost. Partial sets may be purchased \$1.50 per sheet of the drawings and \$75 per copy of the Project Manual and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

AMERICANS WITH DISABILITY ACT OF 1991: If special accommodations are needed in order to attend the Pre-Bid or Bid Opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of event.

NOTICE TO CONSTRUCTION MANAGERS

Florida International University, on behalf of the State of Florida, Board of Regents announces that construction management services will be required for the project listed below:

Project: Graham Center Renovation and Addition BR-860,
Project Location: Florida International University, University Park, Miami, Florida

This expansion of the Graham Center is planned to be in two locations. On the north side is planned a two story addition in the area adjacent to the cafeteria which will infill land between the Graham Center and the Green Library building. The space requirements of this renovation/expansion will include a Multi-Function Courtyard, lounges, Graham Center, Campus Life and Disability Services offices and common areas. On the west side is planned a one story addition to the area adjacent to existing retail areas, (Hair and Nail Salon, Travel Agency, etc.), which will provide additional retail space. The total new construction area is 21,417 NASF (31,270 GSF). The proposed remodeling area is 2,411 NASF. Total project budget is limited to \$5,252,870 of which approximately \$4,319,558 is for construction. Construction Management – at risk is the proposed construction delivery method.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase

one services include value engineering, construct ability analysis, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Facilities Management, Florida International

University, University Park, Miami, Florida 33199, (305)348-4000, or by Faxing a request (305)348-4010. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms questions may be directed to Mary V. Witham of Facilities Management.

Five (5) bound copies of the required proposal data will be submitted to: Mary Varela Witham, Selection Administrator, Facilities Management, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received by 2:00 p.m. local time, Monday, December 11, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

For General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, Florida 32207 until the time and date recorded below and immediately thereafter publicly opened and recorded in the Conference Room 541, 5th Floor, School Board Building.

December 12, 2000

2:00 p.m.

DCSB Project No. C-90360 – Remodeling, Renovations and Site Improvements at Long Branch Elementary School No. 106.

All bidders and subcontractors shall be licensed contractors and registered corporations, if applicable, as required by the laws of the State of Florida. Contractors must be prequalified per City of Jacksonville and Duval County School Board as applicable. Contractor shall have successfully completed at least two (2) projects as contractor, of similar size and complexity in the past five years.

Contract documents for bidding may be obtained for a fee of \$50.00 at the office of Design Works, P. A., 500 Wharfside Way, Jacksonville, Florida 32207, (904)396-0266. DCSB Point of Contact: Tony Gimenez, (904)390-2973.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

MBE Participation Goal: 10% AA, 3% HANA, 7% WBE

EXPRESSWAY AUTHORITIES

Notice to Construction Managers

REQUEST FOR QUALIFICATIONS

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a Construction Management Firm (the “Firm”) to render construction management services associated with the Phase III improvements to the MDX Administration Building, 3790 N. W. 21st Street, Miami, Florida, MDX Project No. 000-009 (the “Project”).

NATURE OF THE PROPOSED WORK AND SCOPE OF SERVICES: Work anticipated under this Project may consist of any of the following:

The selected Firm will provide construction management services associated with the Phase III expansion plan for the MDX Administration Building, 3790 N. W. 21st Street, Miami, Florida. The scope of work includes, but is not limited to, the construction of an approximately 15,000 square foot multi-story building (adjacent to the existing single-story building), permitting and coordination with the Designer of Record, and with other State and local agencies.

The construction cost estimate for this project is \$2,080,000.00 (Two Million and Eighty Thousand Dollars) and the contract time anticipated for this Project is two-hundred seventy (270) Calendar Days from the Notice to Proceed issue date.

The contract for construction management services will consist of two phases. Phase One is pre-construction services, for which the construction manager will be paid a fixed fee. Phase One services include value engineering, constructability analysis, development of a cost model, estimation and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. Failure to negotiate an acceptable fixed fee for Phase One of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract. If the GMP is accepted, Phase Two, the construction phase, will be implemented. In Phase Two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the Project and will publicly bid trade contracts, ensuring the inclusion of Women and Minority Business Enterprises (W/MBEs).

SELECTION PROCEDURE: Selection of Firms for interviews will be made on the basis of a Statement of Qualifications (SOQ) package which includes: construction manager qualifications, experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the Firm’s personnel, staff and consultants; and, ability to meet MDX’s Women and Minority Business Enterprise participation goals.

RESPONSE PROCEDURE: Qualified firms are encouraged to submit a SOQ to MDX. One original (unbound) and six copies MUST be received by the Miami-Dade Expressway Authority, 3790 N. W. 21st Street, Miami, Florida 33142, Attn.: Sam Gonzalez, P. E., Engineering Director, by Thursday, November 16, 2000, by 12:00 Noon, Eastern Time (the “Deadline Date”).

SUBMITTAL OF SOQ: The SOQ shall be in writing, submitted on the letterhead of the Firm and shall not exceed forty (40) pages in length inclusive of attachments. The SOQ MUST include, at a minimum, the information set out in the Criteria. Only one (1) SOQ per Firm is acceptable.

CRITERIA: The SOQ shall contain the following information evidencing satisfaction of all of the specific requirements/criteria:

1. Project name.
2. Firm's name and address. Include the distance in miles between the proposed operating office and the Project site.
3. Proof that all applicants are licensed to practice as general contractors in the State of Florida at the time of application.
4. Proposed responsible officer for the Firm.
5. Contact person, phone number, fax number and Internet Email address. The contact person shall be a single person who can be contacted to discuss contents or questions regarding references, listed projects, or other matters contained in the SOQ.
6. Proposed key personnel and their proposed roles (do not include resumes).
7. Subconsultant(s) that may be used for the Project.
8. Indication as to whether the primary firm and/or subconsultants are disadvantaged business enterprises (DBEs), or women or minority business enterprises (W/MBEs).
9. Construction manager qualifications, experience and ability; years in business; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and, qualification of the firm's personnel, staff and consultants.
10. A list of similar projects for the Firms (both the designer and contractor) completed NOT EARLIER THAN January 1, 1996, with references and phone numbers.
11. Business structure (Corporation, Joint Venture, Partnership); evidence of proper incorporation by the Secretary of State; and, current Florida Professional Registration Certificate for general contractor certification.
12. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months.
13. The Firm's financial capability must be expressed in a Financial Statement. This statement must be an audited report with comments and not older than one (1) year. If the most current report has not been audited, the

previous audited report with comment shall accompany the most recent financial statement. In addition, include the bonding capacity of the Firm.

COMMUNICATION: Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Qualifications through the date of final MDX action with respect to the selection of the Firm. The only exceptions to this is any communication at a publicly noticed meeting of MDX or its Operations Committee or communication with Sam Gonzalez, Engineering Director. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

FEDERAL AND STATE DEBARMENT: By signing and submitting a SOQ, the Firm certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department or agency.

DISADVANTAGED BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and woman owned business to have full opportunity to submit bids in response to Solicitation Documents issued by MDX, and bidders will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain and W/MBE participation of twenty-five percent (25%) for the aggregate of its projects.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL LETTERS OF INTEREST RECEIVED.

SPACEPORT FLORIDA AUTHORITY

Request for Proposals

The Florida Commercial Space Financing Corporation is seeking a marketing firm to do research and advertising.

Interested firms should submit a proposal that will include the following information; (3) copies of their expression of interest, description of operations, experience and fees. Interested firms should submit their information to: Florida

Commercial Space Financing Corporation, 100 Spaceport Way, Cape Canaveral, Florida 32920. Closing date is December 1, 2000.

The Florida Commercial Space Financing Corporation reserves the right to accept or reject any and all responses in the best interest of the State.

AGENCY FOR HEALTH CARE ADMINISTRATION

Request for Proposals

The Agency for Health Care Administration, Bureau of Managed Health Care, is requesting responses from entities with the ability to operate the Statewide Provider and Managed Care Organization Claim Dispute Resolution Program. The potential contractor will be responsible for reviewing claim disputes submitted by providers or managed care organizations that meet applicable statutory and rule criteria. The initial contract is for two years. The Request for Proposals, Statewide Provider and Managed Care Organization Claim Dispute Resolution Program, will be issued November 10, 2000. Copies may be obtained by notifying the issuing officer at the address noted below:

Pamela A. Thomas
 Bureau of Managed Health Care
 Agency for Health Care Administration
 Building 1, Room 311
 Tallahassee, Florida 32308
 (850)922-5418, Fax (850)414-5418

The agency reserves the right to reject any or all bids.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 28-00/01

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Park Improvements
SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct an 1,800 s.f. ranger residence erected on timber poles. The residence will be totally electric but will require a gas generator, a septic tank and water supply well.
PARK LOCATION: Anclote Key State Preserve (Gulf Islands GEOPark) 5 miles north of Honeymoon Island S.R.A. in the Gulf of Mexico

Dunedin, Florida (Pinellas Co.), FL

PRE-BID CONFERENCE:

A mandatory pre-bid conference is scheduled for Tuesday, November 21, 2000, 10:00 a.m. The park will water-taxi all prospective bidders to the project site. Call (727)469-5942 for a reservation. Any contractor desiring to bid on this project must attend this pre-bid conference.

PROJECT MANAGER: Marvin H. Allen, Architect
 Bureau of Design and Recreation Services
 Telephone Number (850)488-5372
 Fax Number: (850)488-1141

MINORITY DIVERSITY:

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, November 10, 2000 at: Honeymoon Island State Recreation Area (Gulf Islands GEOPark) No. 1 Causeway Blvd. Dunedin, Florida 34698 Attention: Perry Smith

ADA
REQUIREMENTS: Park Manager
Telephone Number (727)469-5942
Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

BID SUBMITTAL
DUE DATE: No later than 3:30 p.m., Tuesday, December 12, 2000 to the below address: Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

NOTICE OF INVITATION TO BID
BID NO. BDRS 29-00/01

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Withlacoochee Bay Trails – Phase I
Marjorie Harris Carr Cross Florida Greenway

SCOPE OF WORK: The Phase I construction of a multipurpose trail, along the Historic Cross Florida, Barge Canal, from Highway 19 bridge westward to the bay. Project involves 4.4 miles of 12' wide paved trail with a terminus observation platform.

PARK LOCATION: Inglis Lock
4 miles east of the Town of Inglis on Hwy. 40
Levy County, Florida

PROJECT MANAGER: James D. Wolfe
Office of Greenways and Trails

MINORITY
DIVERSITY: Telephone Number (850)488-3701
The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, November 10, 2000 at:
Cross Florida Greenway
Inglis Lock
P. O. Box 1229
Inglis, Florida 34449-1229
Attention: Mr. Kenton Lambert
Telephone Number (352)447-1720

ADA
REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

BID SUBMITTAL

DUE DATE: No later than 4:00 p.m., Tuesday, December 12, 2000 to the below address: Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

NOTICE OF INVITATION TO BID

BID NO. BDRS 31-00/01

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Environmental Learning Center
SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct an approximately 14,700 square foot Environmental Learning Center building. The building will include a visitor reception area, laboratories, an auditorium and classrooms.

PARK LOCATION: Rookery Bay National Estuarine Research Reserve
300 Tower Road
Naples, Florida 34113-8059

PROJECT MANAGER: Gary Lytton, Reserve Manager
Telephone (941)417-6310
Rookery Bay NERR
300 Tower Road
Naples, FL 34113

ARCHITECT: Alyn Pruett, Architect
Wallace, Roberts & Todd
Telephone Number (305)448-0788
Fax Number (305)443-8431

MINORITY DIVERSITY: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below: Plans and specifications will be available on Friday, November 10, 2000 at: Wallace, Roberts & Todd
191 Giralda Avenue, Penthouse Coral Gables, Florida 33134
Attention: Robin Garcia
Project Coordinator
Telephone Number (305)448-0788
Fax Number (305)443-8431

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

BID SUBMITTAL

DUE DATE: No later than 4:30 p.m., Tuesday, December 12, 2000 to the below address: Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609, until 2:00 p.m., on November 30, 2000 for the following:

Dish, Side & Entree, Disposable

Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Purchasing Office at the above address, telephone (352)955-5537. The Department reserves the right to reject any or all bids.

DCF 2000-5RN

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 30, 2000):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Floridian Community Bank, Inc., 5643 South University Drive, Davie, Florida 33328
Correspondent: W. Douglas Moody, Graham, Moody & Sox, P. A., Post Office Box 2174, Tallahassee, Florida 32316-2174
Received: October 30, 2000

APPLICATION AND PLAN FOR THE PURCHASE OF ASSETS AND ASSUMPTION OF LIABILITIES PURSUANT TO SECTION 655.414, FLORIDA STATUTES
Acquiring Entity: Capital City Bank, Tallahassee, Florida
Selling Entity: First Union National Bank, Charlotte, North Carolina

Received: October 24, 2000

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Broward Schools Credit Union, Post Office Box 8966, Fort Lauderdale, Florida 33310
Expansion Includes: To serve all who live or work in Broward County, Florida.

Received: October 26, 2000

Name and Address of Applicant: Florida West Coast Credit Union, 3020 Melbourne Boulevard, Tampa, Florida 33605-1600

Expansion Includes: Any employee in the Millennium Center in Brandon, Florida.

Received: October 30, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved the project plan for a land acquisition project submitted under the Trust Preservation 2000 Program P9A funding cycle. The project plan listed below was approved by the Executive Director under delegated authority from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

Project: 99-007-P9A/Sunset Vista Trailhead Park (Dilley; All Children's Hospital)

Grantee: City of Treasure Island

Amount of Approved Funds: the lesser of 99.09% of the final total project costs or \$1,200,000.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or

oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, FAC. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, BMW Motorcycles, a division of BMW of North America, Inc., intends to allow the establishment of Mac Motors, LLC d/b/a BMW Motorcycles of Tampa, as a dealership for the sale of BMW Motorcycles, at 8509 Gunn Highway, Odessa (Pasco County), Florida 33556, on or after November 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Mac Motors, LLC d/b/a BMW Motorcycles of Tampa are: dealer operator and principal investor(s): Joseph E. and Crystal K. MacGuire, 8823 Citrus Village Drive, #105, Tampa, Florida 33626.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Ms. Ania M. Neil, Sr., Retail Development Specialist, BMW Motorcycles, P. O. Box 1227, Westwood, NJ 07575-1227.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the November 29, 2000 application filing date for nursing home cycle:

County: Escambia District: 1
Date Filed: October 25, 2000 LOI#: N001001
Facility/Project: Haven of Our Lady of Peace
Applicant: Haven of Our Lady of Peace, Inc.
Project Description: To add 21 community nursing home beds
County: Duval District: 4
Date Filed: October 27, 2000 LOI#: N001002
Facility/Project: Shands Jacksonville Medical Center
Applicant: Shands Jacksonville Medical Center
Project Description: Add 27 HBSNU beds through delicensure of 27 beds at 580 W. 8th St. (f/k/a Methodist MC)
County: Baker District: 4
Date Filed: October 26, 2000 LOI#: N001003
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: To construct up to a 108-bed community nursing home
County: Baker District: 4

Date Filed: October 30, 2000 LOI#: N001004
Facility/Project: The Terrace Care Center of North Florida, Inc.
Applicant: The Terrace Care Center of North Florida, Inc.
Project Description: To construct up to a 108-bed community nursing home
County: Clay District: 4
Date Filed: October 26, 2000 LOI#: N001005
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: To construct up to a 108-bed community nursing home
County: Clay District: 4
Date Filed: October 30, 2000 LOI#: N001006
Facility/Project: The Terrace Care Center of North Florida, Inc.
Applicant: The Terrace Care Center of North Florida, Inc.
Project Description: To construct up to a 108-bed community nursing home
County: Duval District: 4
Date Filed: October 26, 2000 LOI#: N001007
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: To construct up to a 108-bed community nursing home
County: Duval District: 4
Date Filed: October 30, 2000 LOI#: N001008
Facility/Project: The Terrace Care Center of North Florida, Inc.
Applicant: The Terrace Care Center of North Florida, Inc.
Project Description: To construct up to a 108-bed community nursing home

County: Flagler District: 4
 Date Filed: October 26, 2000 LOI#: N001009
 Facility/Project: Tandem Health Care, Inc.
 Applicant: Tandem Health Care, Inc.
 Project Description: To construct up to a 61-bed community nursing home

County: Volusia District: 4
 Date Filed: October 30, 2000 LOI#: N001010
 Facility/Project: Life Care Centers of America, Inc.
 Applicant: Life Care Centers of America, Inc.
 Project Description: To construct up to a 61-bed community nursing home

County: Volusia District: 4
 Date Filed: October 30, 2000 LOI#: N001011
 Facility/Project: Petersen Health Care, Inc.
 Applicant: Petersen Health Care, Inc.
 Project Description: To construct up to a 120-bed community nursing home through delicensure if up to 65 beds at Beverly Healthcare South Daytona and add 55 new beds

County: Volusia District: 4
 Date Filed: October 26, 2000 LOI#: N001012
 Facility/Project: Tandem Health Care, Inc.
 Applicant: Tandem Health Care, Inc.
 Project Description: To construct up to a 61-bed community nursing home

County: Volusia District: 4
 Date Filed: October 23, 2000 LOI#: N001013
 Facility/Project: The Health Center of Daytona Beach
 Applicant: The Health Center of Daytona Beach, Inc.

Project Description: To add up to 60 community nursing home beds

County: Volusia District: 4
 Date Filed: October 30, 2000 LOI#: N001014
 Facility/Project: Woodland Terrace
 Applicant: Woodlands Extended Care, Inc.
 Project Description: To add 60 community nursing home beds

County: Pinellas District: 5
 Date Filed: October 30, 2000 LOI#: N001015
 Facility/Project: Freedom Square Nursing Center
 Applicant: Seminole Properties
 Project Description: To convert 60 licensed sheltered nursing home beds to 60 community nursing home beds

County: Orange District: 7
 Date Filed: October 27, 2000 LOI#: N001016
 Facility/Project: Winter Park Memorial Hospital
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: To convert up to 20 acute care beds to up to a 20-bed hospital-based skilled nursing unit

County: Collier District: 8
 Date Filed: October 30, 2000 LOI#: N001017
 Facility/Project: Terracina, LLC
 Applicant: Terracina, LLC
 Project Description: To add 38 community nursing home beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after January 3, 2001 the date the application is scheduled to be deemed complete. Tentative dates for hearings will be published on December 15, 2000.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN October 23, 2000
 and October 27, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Division of Accounting and Auditing

3A-22.003	10/25/00	11/14/00	26/38	
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DEPARTMENT OF INSURANCE

4-215.235	10/27/00	11/16/00	26/38	
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DEPARTMENT OF EDUCATION

Florida State University

6C2-3.004	10/24/00	11/13/00		Newspaper
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DEPARTMENT OF REVENUE

12-21.020	10/27/00	11/16/00	26/32	
12-21.030	10/27/00	11/16/00	26/32	

Sales and Use Tax

12A-1.078	10/27/00	11/16/00	26/32	
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DEPARTMENT OF TRANSPORTATION

14-6.0011	10/27/00	11/16/00	26/37	
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PUBLIC SERVICE COMMISSION

25-30.470	10/23/00	11/12/00	26/38	
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DEPARTMENT OF CORRECTIONS

33-204.002	10/27/00	11/16/00	26/36	
33-204.003	10/27/00	11/16/00	26/36	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.050	10/25/00	11/14/00	26/28	26/38
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**
Barbers' Board

61G3-16.001	10/23/00	11/12/00	26/34	
61G3-16.0010	10/23/00	11/12/00	26/34	
61G3-16.002	10/23/00	11/12/00	26/34	
61G3-16.003	10/23/00	11/12/00	26/34	
61G3-16.0041	10/23/00	11/12/00	26/34	
61G3-16.008	10/23/00	11/12/00	26/34	
61G3-16.010	10/23/00	11/12/00	26/34	

Electrical Contractors' Licensing Board

61G6-5.0035	10/23/00	11/12/00	26/24	26/39
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DEPARTMENT OF HEALTH
Board of Medicine

64B8-9.0075	10/24/00	11/13/00	26/38	
64B8-30.008	10/24/00	11/13/00	26/38	

Board of Opticianry

64B12-11.002	10/25/00	11/14/00	26/36	
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Board of Osteopathic Medicine

64B15-19.001	10/23/00	11/12/00	26/36	
64B15-19.004	10/23/00	11/12/00	26/36	
64B15-19.007	10/23/00	11/12/00	26/36	

Division of Environmental Health and Statewide Programs

64E-8.002	10/24/00	11/13/00	26/30	
64E-8.003	10/24/00	11/13/00	26/30	
64E-8.004	10/24/00	11/13/00	26/30	
64E-8.006	10/24/00	11/13/00	26/30	
64E-8.010	10/24/00	11/13/00	26/30	
64E-8.011	10/24/00	11/13/00	26/30	
64E-8.013	10/24/00	11/13/00	26/30	