

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: **Body Piercing** RULE CHAPTER NO.: **64E-19**

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate standards and procedures to fulfill the intent of Section 381.0075, F.S. The incorporated language will correct inaccurate references to a federal agency.
SUBJECT AREA TO BE ADDRESSED: The subjects to be addressed are use of both liquid chemical sterilants and pre-surgical scrubs.

SPECIFIC AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10),(11) FS.

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

TIME AND DATE: 10:00 a.m., Friday, November 2, 2001

PLACE: Conference Room 240P, Building 4042, Capital Circle Office Complex, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL, 32399-1710, (850)245-4277

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

John and Mable Ringling Museum of Art

RULE CHAPTER TITLE: **Organization** RULE CHAPTER NO.: **1K-1**

RULE TITLE: **Members Council** RULE NO.: **1K-1.013**

PURPOSE AND EFFECT: The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

IF REQUESTED IN WRITING 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: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1K-1.013 Members Council.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 9-22-86, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DEPARTMENT OF STATE

John and Mable Ringling Museum of Art

RULE CHAPTER TITLE: **Collections** RULE CHAPTER NO.: **1K-2**

RULE TITLES: **Acquisitions** RULE NOS.: **1K-2.001**

Accessioning **1K-2.002**

Deaccessioning **1K-2.003**

Loans of Objects of Art **1K-2.010**

PURPOSE AND EFFECT: The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

1K-2.001 Acquisitions.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 7-27-89, Repealed.

1K-2.002 Accessioning.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 9-27-83, Repealed.

1K-2.003 Deaccessioning.

Specific Authority 265.26(10) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 9-5-82, 9-8-87, 7-27-89, Repealed.

1K-2.010 Loans of Objects of Art.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History--New 10-4-79, Amended 10-15-81, 9-5-82, 9-2-87, 12-24-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DEPARTMENT OF STATE

John and Mable Ringling Museum of Art

RULE CHAPTER TITLE: Facilities - Use RULE CHAPTER NO.: 1K-6

RULE TITLE: Purpose RULE NO.: 1K-6.009

PURPOSE AND EFFECT: The rule to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a

purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1K-6.009 Purpose.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History--New 7-13-86, Amended 12-24-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DEPARTMENT OF STATE

John and Mable Ringling Museum of Art

RULE CHAPTER TITLE: Photography RULE CHAPTER NO.: 1K-7

RULE TITLES: Photography by a Commercial Organization RULE NOS.: 1K-7.002

Photography by General Public 1K-7.003

Reproduction Rights 1K-7.004

PURPOSE AND EFFECT: The rules to be repealed relate to the John and Mable Ringling Museum of Art. In 2000, the Legislature transferred oversight of the museum to Florida State University. Accordingly, the rules no longer serve a purpose for the Department of State and the Department seeks to repeal them. Furthermore, statutory authority no longer exists for these rules.

SUMMARY: The Department of State proposes repeal of rules governing various aspects of the John and Mable Ringling Museum of Art.

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: 265.26(4) FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

LAW IMPLEMENTED: 265.26 FS. (Repealed by ch. 2000-258, § 67, Laws of Florida, eff. July 1, 2000)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Heidi Hughes, Assistant General Counsel, Florida Department of State, The Capitol, LL-10, Tallahassee, FL 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

1K-7.002 Photography by a Commercial Organization.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History--New 10-4-79, Repealed.

1K-7.003 Photography by General Public.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS. History--New 10-4-79, Amended 1-9-91, Repealed.

1K-7.004 Reproduction Rights.

Specific Authority 265.26(4) FS. Law Implemented 265.26 FS History--New 10-4-79, Amended 6-25-87, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Heidi Hughes, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Mann, Assistant Secretary, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements RULE NO.: 4-137.001

PURPOSE AND EFFECT: To amend Florida Administrative Code to reflect the incorporation of the most recent version of the National Association of Insurance Commissioners Manuals for the completion of annual reports.

SUMMARY: Uniform requirements for the filing of annual and quarterly reports by insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., November 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

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 FULL TEXT OF THE PROPOSED RULE IS:

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 2001 ~~2000~~;

2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 2001 ~~2000~~;

3. The NAIC's Accounting Practices and Procedures Manual, as of March 2001 ~~effective January 1, 2001~~.

(b) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, _____.

DEPARTMENT OF INSURANCE

RULE TITLE: NAIC Financial Examiners Handbook Adopted RULE NO.: 4-138.001

PURPOSE AND EFFECT: To adopt and incorporate by reference the 2001 National Association of Insurance Commissioners (NAIC) Financial Examiners Condition Handbook

SUMMARY: Uniform requirements for the financial examination of insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., November 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

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 FULL TEXT OF THE PROPOSED RULE IS:

4-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2001) (~~2000~~) is hereby adopted and incorporated by reference, ~~with the exception of Part 8, Appendix A.~~

(2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History–New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Saint Augustine Decline	5B-36
RULE TITLES:	RULE NOS.:
Definition of Terms	5B-36.001
Purpose	5B-36.002
Declaration of Saint Augustine Decline	
Disease as a Plant Pest and Quarantine	5B-36.0024
Infested and Regulated Areas	5B-36.0028
Interstate Movement	5B-36.005

PURPOSE AND EFFECT: The department is proposing to repeal Saint Augustine Decline, Rule Chapter 5B-36. Certifying that Saint Augustine grass, centipede grass or other

host plants from infested states are free of Saint Augustine decline disease will no longer be required prior to shipping these turf grass varieties into Florida.

SUMMARY: Rule Chapter 5B-36 in its entirety will be repealed. Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, which are infested with Saint Augustine decline disease will not have to obtain a master permit or issue a certificate for turf grass attesting to freedom from Saint Augustine decline disease as a condition of shipping interstate into Florida.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(6),(7),(15),(20), 581.083 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: 10:00 a.m., November 21, 2001

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-36.001 Definition of Terms.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031 FS. History–New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.01, Amended 5-13-93, Repealed.

5B-36.002 Purpose.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5), 581.083 FS. History–New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.02, Amended 5-13-93, Repealed.

5B-36.0024 Declaration of Saint Augustine Decline Disease as a Plant Pest and Quarantine.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(6) FS. History–New 5-13-93, Amended 6-4-95, Repealed.

5B-36.0028 Infested and Regulated Areas.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(6),(7), 581.101 FS. History–New 5-13-93, Repealed.

5B-36.005 Interstate Movement.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(15),(20) FS. History–New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.05, Amended 5-13-93, 6-12-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner’s Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Citrus Canker	5B-58
RULE TITLE:	RULE NO.:
Citrus Canker Eradication	5B-58.001

PURPOSE AND EFFECT: The purpose and effect is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida’s more than \$8 billion citrus industry and dooryard citrus.

SUMMARY: The proposed rules require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of Immediate Final Orders and delivery of such Final Orders in pursuit of the citrus canker eradication program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (a) The Department estimates that approximately 80,000 individuals and entities will be affected by the proposed rule amendments. This estimate assumes the proposed rule amendments become effective in a timely manner and the Department is able to begin removal and destruction of all citrus trees within 1,900 feet of citrus trees which are visibly infected with citrus canker. The proposed amendments specify actions to be taken by the Department in the Department’s Citrus Canker Eradication Program (“CCEP”). The proposed amendments do not require that individuals and entities take actions to comply with the proposed rule amendments. The types of individuals affected by the proposed rule amendments include residential and other property owners who own citrus trees, and citrus grove owners and their employees and contractors.

(b) The Department estimates that the costs that it will incur in implementing and enforcing the proposed rule amendments will be approximately \$58.5 million during the first year of implementation. During subsequent years, costs to the Department for implementation and enforcement of the proposed rule amendments are estimated to not exceed \$10 million, and are expected to decrease over time. The Department estimates that local government entities will not incur any unreimbursed expenses for implementation and

enforcement of the proposed rule amendments. The Department also estimates that the proposed rule amendments will not affect state or local revenues, except as otherwise stated herein.

(c) As noted above, the proposed rule amendments do not require individuals, entities, or local governments to take actions to comply with the proposed rule amendments. Instead, the proposed rule amendments specify actions to be taken by the Department in the Department’s CCEP. Therefore, the Department estimates that individuals, entities and local governments should bear no transactional costs (as defined in Section 120.541(2)(e), Florida Statutes) to comply with the proposed rule amendments.

(d)1. The Department provides the following analysis of the impact of the proposed rule amendments on small businesses, as defined by Section 288.703, Florida Statutes: a) Citrus groves which constitute small businesses: All citrus trees within such groves which are within 1,900 feet of a citrus tree which is visibly infected with citrus canker will be removed as a result of the proposed rule amendments. The impact on citrus grove owners whose citrus trees are removed pursuant to the CCEP should be mitigated by payments which such grove owners may receive from the federal government. Specifically, such citrus grove owners are expected to receive approximately \$55 per tree removed. b) Small business owners who are dependent upon the citrus industry: Such small businesses, which include, but are not limited to vendors who provide goods and/or services to the citrus industry, will be positively impacted by the proposed rule amendments since implementation of the proposed rule amendments will result in effective eradication of citrus canker, thereby preventing devastation to Florida’s fresh citrus industry and consequently to the citrus industry as a whole. 2. The Department provides the following analysis of the impact of the proposed rule amendments on small cities and small counties as defined in Section 120.52, Florida Statutes: Small cities and small counties should not be impacted by the proposed rule amendments in their capacities as small cities and small counties. Any anticipated expenses they may incur are expected to be reimbursed. To the extent small cities and small counties own citrus trees which are located within 1,900 feet of a citrus tree which is visibly infected with citrus canker, the effect on such small cities and small counties will be the removal and destruction of such trees.

(e) The Department thus far has received no good faith written proposals for alternatives to the proposed rule amendments submitted under Section 120.541(1)(a), Florida Statutes. However, alternatives to removing all citrus trees within 1,900 feet of an infected tree have been proposed by some individuals. These proposals include removing only citrus trees exhibiting visual symptoms of citrus canker, use of topical applications purportedly capable of stopping the spread of citrus canker, creating host-free buffer zones adjacent to citrus

groves, and discontinuation of the CCEP. The costs associated with such proposals exceed the costs associated with implementation of the proposed rule since such proposals would ultimately fail to prevent citrus canker from spreading throughout the State, resulting in a negative impact to the citrus industry costing more than \$340 million annually, negative impacts on small businesses which are dependent on Florida's fresh citrus industry and on the citrus industry as a whole, and substantial damage to residential citrus trees not otherwise removed under the CCEP. No supporting scientific evidence has been provided to the Department to support these proposals, nor has the Department through scientific literature searches identified valid evidence to support these proposals. In fact, the preponderance of scientific evidence supports the need to effectively eradicate citrus canker, and specific research conducted in Florida has shown that in order to achieve effective eradication both the citrus tree with visual symptoms of citrus canker and all citrus trees within 1,900 feet of the infected tree must be removed.

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: 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2),(13),(21), 581.031(6),(7), (9),(15),(17), 581.013, 581.0101, 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: 1:00 p.m. – 5:00 p.m., November 14, 2001

PLACE: Broward Regional Service Center, 1400 West Commercial Blvd., Fort Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (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 Sections 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

~~(e) Risk 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 recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.~~

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

~~(h) 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 causes citrus canker, but not expressing visible symptoms.~~

(i) through (k) renumbered (g) through (i) No change.

(2) through (3) No change.

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of ~~the infected and exposed~~ plants, the variety and type of citrus plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Removal Control Procedures.

(a) Removal of citrus trees. For the purposes of eradicating, controlling, and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within 1,900 feet of an infected citrus tree. Risk Assessment. ~~The department shall perform risk assessment procedures 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.~~

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the ~~quarantine and control removal~~ methods to be implemented on the ~~infected or exposed citrus located on the~~ property. It may be delivered in person, by ~~certified mail or similar common carrier~~, or ~~posted on the attached to a conspicuous place on that~~ property. Immediate final orders are not required for ~~control removal~~ action in commercial citrus groves provided the owner agrees voluntarily to the ~~control removal~~ action and enters into an agreement not to sue ~~with the Department~~. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 01262, and Form No. 01263, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
2. The diagnostic report which resulted in the determination that the infected tree is infected with the citrus canker; and
3. The distance between the infected citrus tree and the property owner's citrus trees.

(6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 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, 7-17-00, 2-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Connie Riherd
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Communications Services Tax Direct Pay Permits	12A-19.030
Residential Exemption from the Communications Services Tax	12A-19.041
Governmental Exemption from the Communications Services Tax	12A-19.042

Religious and Educational Organizations Exemption from the Communications Services Tax	12A-19.043
Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections	12A-19.050
Sales for the Purpose of Resale	12A-19.060

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule Chapter 12A-19, F.A.C., Communications Services Tax, is to implement ss. 202.11, 202.12, 202.125, 202.13, 202.15, 202.16, 202.17, 202.19, 202.20, 202.21, 202.22, 202.27, 202.28, 202.30, 202.34, and 202.35, F.S., and to provide guidelines for communications services providers and tax administrators regarding registration, tax returns, direct pay permits, exemptions, sales for the purpose of resale, and notification requirements for local governments.

SUMMARY: The purposes of the proposed creation of Rule 12A-19.010, F.A.C., Registration, are to: (1) provide guidelines for persons required to register with the Department for the communications services tax, including those required to register for purposes of obtaining a Communications Services Tax Direct Pay Permit; (2) require all applications, except for specified providers that will not be collecting local communications services taxes, to be accompanied by form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction, which is incorporated by reference; (3) provide guidelines to dealers whose activities require registration, including substitute communications system users and persons applying for a direct pay permit; (4) provide guidelines to those whose activities do not require registration; and (5) provide guidelines on how to obtain forms from the Department.

The purposes of the proposed creation of Rule 12A-19.020, F.A.C., Tax Due at Time of Sale; Tax Returns and Regulations, are to: (1) provide guidelines regarding the collection and remittance of the communications services tax; (2) provide guidelines regarding the application of the collection allowances; (3) provide guidelines on how to obtain forms from the Department; (4) provide guidelines for the application of penalties and interest when persons fail to make a return, pay taxes due, or remit taxes; and (5) incorporate by reference the return used by the Department in the administration of the communications services tax.

The purposes of the proposed creation of Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits, are to: (1) provide guidelines to taxpayers regarding who may apply for a Communications Services Tax Direct Pay Permit using form DR-700030, Application for Communications Services Tax Direct Pay Permit, which is incorporated by reference; (2) define the term "person" for purposes of this rule; (3) provide guidelines regarding the information that will be included on the permit, including the effective and expiration dates; (4) provide how a replacement

Communications Services Tax Direct Pay Permit may be obtained; (5) provide guidelines to permit holders for remitting the communications service tax and for the use of direct pay permits; and (6) provide guidelines on recordkeeping requirements.

The purpose of the proposed creation of Rule 12A-19.041, F.A.C., Residential Exemption from the Communications Services Tax, is to provide the methods, procedures, recordkeeping requirements, and guidelines for sales to residential households.

The purpose of the proposed creation of Rule 12A-19.042, F.A.C., Governmental Exemption from the Communications Services Tax, is to provide the methods, procedures, recordkeeping requirements, and guidelines for sales to the federal government, state government, and political subdivisions of the state or federal government.

The purposes of the proposed creation of Rule 12A-19.043, F.A.C., Religious and Educational Organizations Exemption from the Communications Services Tax, are to: (1) provide the methods, procedures, recordkeeping requirements, and guidelines for sales to religious or educational organizations; (2) provide definitions for the terms "religious organization" and "educational organization"; and (3) provide a suggested certificate format to be used by religious or educational organizations to purchase communications services tax exempt.

The purposes of the proposed creation of Rule 12A-19.050, F.A.C., Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections, are to: (1) provide guidelines to local governments regarding the methods and procedures for changing local communications services tax rates; (2) provide procedures for notifying the Department of changes in a local government's permit fee election; and (3) incorporate by reference the form used by the Department to implement the notification requirements imposed by s. 202.21, F.S.

The purposes of the proposed creation of Rule 12A-19.060, F.A.C., Sales for the Purpose of Resale, are to: (1) provide guidelines for when communications services may be purchased tax exempt for the purpose of resale; (2) provide definitions for the terms "dealer," "active registered dealer," and "purchaser"; (3) provide guidelines for determining when a sale for the purpose of resale occurs; (4) provide how a replacement Communications Services Tax Annual Resale Certificate may be obtained; (5) provide guidelines to selling dealers and purchasing dealers regarding the recordkeeping requirements; and (6) provide when resale certificates will be accepted during an audit or protest of an audit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed rules only implement statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 202.15, 202.16(2), 202.21, 202.26(3)(a),(c),(d),(e),(h),(i), 202.27(6), 202.28(1)(b)2. FS.

LAW IMPLEMENTED: 92.525(2), 202.11(3),(4),(7),(9), (11),(12),(13),(14),(16), 202.12(1),(3), 202.125, 202.13(2), 202.15, 202.16, 202.17(1),(3)(a),(4),(6), 202.19(1),(8),(10), 202.20(2)(a), 202.21, 202.22(6), 202.26(2), 202.27(6), 202.28(1),(2), 202.30, 202.33(2), 202.34(3),(4)(c), 202.35(1),(4), 213.37, 337.401(3)(c),(j) FS.

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

TIME AND DATE: 10:00 a.m., November 13, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Silvey, Senior Attorney, telephone number (850)922-4727, or Gary Gray, Tax Law Specialist, telephone number (850)922-4729, Department of Revenue, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.010 Registration.

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

(b) With the exception of the activities described in paragraph (e), a person that engages in the business of providing communications services must obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(c)1. To obtain a Communications Services Tax Certificate of Registration, a person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department.

2. Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to

determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (hereby incorporated by reference). The following persons are not required to file form DR-700020 with respect to the activities listed:

- a. Direct-to-home satellite providers;
- b. Substitute communications system operators;
- c. Resellers of prepaid calling arrangements;
- d. Direct pay permit applicants with no obligation to collect and remit local communications services taxes;
- e. Pay telephone operators; and
- f. Persons who will make no sales of communications services except to purchasers who purchase for resale in compliance with the provisions of Rule 12A-19.060, F.A.C.

(d) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (e).

(e) Persons who only engage in the following activities are not required to register for the communications services tax:

1. Information services;

a. An information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services.

b. Examples of an information service are electronic publishing, web-hosting service, and end-user 900 number service.

2. The installation or maintenance of wiring or equipment on a customer's premises;

3. The sale or rental of tangible personal property;

4. The sale of advertising services, such as directory advertising;

5. Bad check services;

6. Late payment services;

7. Billing and collection services;

8. Internet access services, electronic mail services, electronic bulletin board services, or similar on-line computer services;

9. Communications services paid for by inserting coins into coin-operated communications devices available to the public;

10. The sale or recharge of prepaid calling arrangements;

11. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft; and

12. The provision of professional or advertising services that include charges for the service of sending or receiving a document, commonly referred to as a facsimile, regardless of whether the charge is separately stated.

(f) Persons who engage in the business of the sale of communications services paid for by inserting coins into coin-operated communications devices available to the public and/or the purchase of communications services for resale as prepaid calling arrangements may register for the communications services tax, even though registration is not required. Such persons may elect to register in order to purchase communications services for resale in compliance with Rule 12A-19.060, F.A.C.

(2) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a certificate, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form.

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

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

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

(3) In order to self-accrue the communications services tax, persons must obtain a Communications Services Tax Certificate of Registration (form DR-700014). To obtain a Communications Services Tax Certificate of Registration, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department. See Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits.

(4) Applications to Collect and/or Report Tax in Florida (form DR-1) are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4)

visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(3),(7),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(1),(3)(a),(4), 202.22(6)(a), 202.27(6) FS. History—New

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

(1)(a)1. Except as provided in Rule Chapter 12-24, F.A.C., and this rule, all taxes required to be collected in any calendar month by Chapter 202, F.S., are due to the Department on the first day of the month subsequent to the sale of communications services.

2. For recurring charges for communications services, tax is due at the moment that consideration is received for services to be rendered in the future.

3. To avoid penalty and interest for late filing, the payment and return must be received by the Department or be postmarked on or before the 20th day of the month subsequent to the sale of communications services.

4. For purposes of this rule, 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 on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

5. 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 s. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code 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) Tax due under s. 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on March 1 for the preceding calendar year. The payment accompanied with a return must either reach the Department or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 202.27(2), F.S., the tax is due on the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

(2) As compensation for the prescribed record keeping, and accounting for and timely remittance of taxes, persons collecting taxes imposed by and administered under Chapter 202, F.S., are allowed a collection allowance when the return is

timely filed with the Department and the amount of tax due is remitted with the return, except as provided in Rule 12-24.009, F.A.C.

(a) The collection allowance rate depends upon the method used by a communications services tax dealer to assign service addresses to local taxing jurisdictions.

1. A dealer of communications services may deduct .75 percent of the amount of tax due as a collection allowance when the dealer:

a. Employs the electronic database provided by the Department under s. 202.22(2), F.S.;

b. Employs a database that has been certified by the Department under s. 202.22(3), F.S.; or,

c. Employs enhanced zip codes to assign each street address, address range, post office box, or post office box range to a specific local taxing jurisdiction under s. 202.22(1)(c), F.S.

2. When a dealer of communications services employs a method of assigning service addresses other than those provided in subparagraph 1., the deduction allowed to the dealer is .25 percent of the amount of the tax due to the Department.

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.).

If a communications services tax dealer fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned a collection allowance of .25 percent. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file form DR-700020:

1. Direct-to-home satellite providers;

2. Substitute communications system operators;

3. Resellers of prepaid calling arrangements;

4. Direct pay permit applicants with no obligation to collect and remit local communications services taxes;

5. Pay telephone operators; and

6. Persons who will make no sales of communications services except to purchasers who purchase for resale in compliance with the provisions of Rule 12A-19.060, F.A.C.

(c) A communications services tax dealer that assigns customer service addresses using both methods that are eligible for the .75 percent collection allowance and methods that are eligible for only the .25 percent collection allowance should indicate on form DR-700020 all of the methods that the dealer will employ. In order to claim the .75 percent collection allowance on collections for service addresses assigned

pursuant to a method or methods eligible for that collection allowance rate, a dealer will be required to file separate returns for collections eligible for each of the two collection allowances.

(3)(a) Form DR-700016, Communications Services Tax Return (hereby incorporated by reference), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

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

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

(5) The failure of any dealer to secure a tax return for communications services tax does not relieve the dealer from the requirement to file a return or to remit tax due to the Department. The Department is not authorized to extend the time for any dealer under Chapter 202, F.S., to file any return or to pay any tax due.

(6) A return for communications services tax filed with the Department that does not include the required schedules as indicated on the return is considered an "incomplete return" and subject to penalties as provided in s. 202.28(1), F.S.

(7) Communications services tax returns are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; 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://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(8)(a) Persons who are required to make a return or to pay taxes imposed by and administered under Chapter 202, F.S., and fail to do so will be subject to penalties, as provided in s. 202.28, F.S.

(b) Persons who fail to remit collected taxes with intent to unlawfully deprive or defraud the state or local government of its moneys or the use or benefit thereof are subject to penalties imposed under s. 202.33, F.S.

(9) Interest shall accrue on any delinquent tax at the rate established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of tax due from the date of delinquency until the date on which the tax is paid.

Specific Authority 202.15, 202.26 (3)(a) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History--New _____.

12A-19.030 Communications Services Tax Direct Pay Permits.

(1) Persons who purchase communications services may apply for a communications services tax direct pay permit from the Department to assume the obligation of self-accruing and remitting to the state the tax due on their purchases of communications services when:

(a) The majority of the communications services purchased for use by a person are for communications that originate outside of Florida and terminate within Florida; or

(b) The taxable status of sales of communications services will be known only upon use.

(2) For purposes of this rule, the term "person" means a single legal entity and does not mean a group or combination of affiliated entities or entities controlled by one person or group of persons.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax (hereby incorporated by reference), with the Department, in the manner provided on the form.

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons that are not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department. If form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax accompanies form DR-1, then form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.010, F.A.C.), is only required to be filed if an applicant will be responsible for collecting and remitting local communications services taxes on sales of communications services.

(c) These forms are available, without cost, by: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at

(850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(4)(a) The effective date of a Communications Services Tax Direct Pay Permit is the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(b) The Department will specify on each communications services tax direct pay permit the specific taxes for which the dealer is authorized to self-accrue and remit tax directly to the Department. When a direct pay permit authorizes self-accrual of any local communications services taxes, each service address that a direct pay permit applies to will be identified.

(c)1. A communications services tax direct pay permit expires five (5) years from the effective date. The expiration date shall be the end of the month preceding five years from the effective date, if the effective date is on or before the 15th of the month. The expiration date shall be the end of the month that is five years from the effective date, if the effective date is after the 15th of the month. The Department will provide a renewal notice to a permit holder 60 days prior to the expiration date of a permit. Persons that fail to receive a renewal notice or that need more information regarding the notice may contact the Department at Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

2. Upon expiration of the purchasing customer's communications services tax direct pay permit, a dealer is required to collect and remit the applicable communications services tax from that customer.

(5) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR INTERSTATE COMMUNICATIONS SERVICES.

(a) Persons issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to pay each calendar year to the Department an amount not to exceed the following:

1. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on all charges for interstate communications services that originate outside Florida and terminate inside Florida that are billed to a single entity; or

2. \$100,000 in communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., on all charges for interstate communications services that originate outside

Florida and terminate inside Florida that are billed to a single entity and \$25,000 in local communications services tax, imposed under s. 202.19(1), F.S., on charges for interstate communications services that originate outside Florida and terminate inside Florida that are billed to each individual service address identified on a permit in any municipality or county imposing a local communications services tax.

(c) The filing of the returns for the taxes identified on a direct pay permit must be made on a monthly basis, and the tax may be remitted in one of the following manners:

1. The tax due may be prorated throughout the calendar year;

2. The tax due, based on a permit holder's purchases, may be paid to the Department as the applicable tax is accrued; or

3. The total amount of the tax due may be paid in full as a single payment with the first return of each calendar year, followed by returns indicating that no tax is due in subsequent months.

(d) A return must be filed by a direct pay permit holder even if no tax is due.

(e) A permit holder must pay its tax obligation to the Department using electronic funds transfer as required by s. 202.30(1), F.S., and Rule Chapter 12-24, F.A.C., and must submit its return using electronic data interchange as required by s. 202.30(2), F.S., and Rule Chapter 12-24, F.A.C.

(f) In the calendar year of issuance, any amounts of communications services taxes paid by a permit holder to its provider(s) after the effective date of a direct pay permit will be credited against the total amount of communications services tax due to the Department for that calendar year. In remitting the remaining amounts required to be paid to the Department, the amount paid directly to communications services provider(s) after the effective date of a permit may be deducted from the total amount due to the Department. In the event that a permit holder has paid to its provider(s) after the effective date of a direct pay permit an amount that results in total payments in excess of the amount of tax required by a permit, a permit holder must obtain the applicable refund or credit from its provider(s).

(g) Communications services taxes and local communications services taxes are due and must be paid to the selling dealer or directly to the Department on all charges for intrastate communications services and charges for interstate communications services that originate inside Florida and terminate outside Florida.

(6) COMMUNICATIONS SERVICES TAX DIRECT PAY PERMIT FOR TAX DUE UPON DETERMINATION OF USE.

(a) Persons that are issued a direct pay permit under the provisions of this subsection will receive form DR-700031, Communications Services Tax Direct Pay Permit.

(b) Permit holders are required to file tax returns on a monthly basis and pay to the Department the amount of the state communications services taxes, imposed under ss. 202.12 and 203.01(1)(a)2., F.S., and the amount of local communications services taxes, imposed under s. 202.19, F.S., due upon the determination of the use of such communications services.

(7) In the event that an original communications services tax direct pay permit is lost or destroyed, a permit holder may request a replacement by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1(800)352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department's TDD, at 1(800)367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(8)(a) Persons that are registered with the Department for the communications services tax do not receive a collection allowance unless communications services taxes are actually collected and remitted to the Department. See paragraph (3)(b) concerning the requirement to file form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction.

(b) Communications Services Tax Annual Resale Certificates may only be used in the manner provided by Rule 12A-19.060, F.A.C., Sales for the Purpose of Resale.

(9) RECORDKEEPING REQUIREMENTS.

(a) Any holder of a communications services tax direct pay permit is required to keep and preserve all information and documentation necessary to substantiate that the holder was qualified to receive a communications services tax direct pay permit and that the holder has paid all tax due on its purchases of communications services until such time as the taxes imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(b) A dealer of communications services is not required to collect communications services taxes identified on the communications services tax direct pay permit for services sold to a permit holder. A dealer shall retain a copy of a permit in its records until such time as the taxes imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection. Cross-Reference: Rules 12A-19.010 and 12A-19.060, F.A.C.

Specific Authority 202.26(3)(e)(i), 202.27(6) FS. Law Implemented 202.12(3), 202.16(4), 202.19(8), 202.27(6)(b), 202.30, 202.34(3) FS. History—New

12A-19.041 Residential Exemption from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in s. 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for residential households from the communications services taxes.

(2) TAX THAT IS EXEMPT. Sales of communications services to a residential household are not subject to the state portion of the Florida communications services tax, imposed by s. 202.12(1)(a), F.S.

(3) TAXES THAT ARE NOT EXEMPT. Sales of communications services to a residential household are subject to the gross receipts tax portion of the Florida communications services tax, imposed by s. 203.01(1)(a)2., F.S., and the local communications services tax, imposed by s. 202.19, F.S.

(4) SERVICES THAT ARE NOT EXEMPT. This exemption does not apply to:

(a) Sales of any cable service, as defined in s. 202.11(2), F.S.;

(b) Sales of any direct-to-home satellite service, as defined in s. 202.11(6), F.S.; and

(c) Sales of mobile communications services, as defined in s. 202.11(8), F.S.

(5) FACILITIES THAT ARE NOT EXEMPT. This exemption does not apply to sales to the service address of any structure or any unit within a structure licensed as a public lodging establishment, as defined by s. 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(a) The purchaser is required to notify the communications services provider when the services are used in a licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the provider, for any applicable tax, penalty, or interest due when the services were purchased for use in a public lodging establishment.

(b) Persons that are entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential household, as provided in Rules 12A-1.053 and 12A-1.059, F.A.C., are not entitled to the exemption from communications services tax when that residential household is licensed as a public lodging establishment.

(c) A "public lodging establishment," as defined in s. 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1. Advertised or held out to the public as a place that is regularly rented to guests; or,

2. Rented more than three times in a calendar year, with each separate rental period having a duration less than 1 calendar month or less than 30 days.

(d) Public lodging establishments include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary:

1. Hotels, motels, transient apartments, nontransient apartments, transient rooming houses, and other transient establishments;

2. Any unit or group of units in a condominium, cooperative, time-share plan, or other resort condominium; or,

3. Any single family dwelling, duplex, triplex, quadraplex, townhouse, beach cottage, mobile home, or other resort dwelling.

(6) DOCUMENTATION REQUIREMENTS. A communications services provider, unless notified by the purchaser that the residential exemption does not apply, is not required to collect and remit tax on sales of communications services when:

(a) The service is sold at a rate based on a "residential schedule," under the tariffs filed by a service provider with the Public Service Commission; or

(b) A service provider has on file a writing or document evidencing a representation of a customer that the communications services are being purchased for residential household use. The writing or document may be a customer application or a certificate that identifies the customer as purchasing the communications services for residential purposes. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business. A provider must have acted in good faith in accepting the representation of a customer.

(7) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History--New

12A-19.042 Governmental Exemption from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in s. 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for sales to the federal government, state government, and political subdivisions of the state or federal government from the communications services taxes.

(2) SALES TO THE FEDERAL GOVERNMENT. The sale of communications services to the Federal Government, its agencies or instrumentalities, or any entity that is exempt from state taxes under federal law is exempt from the Florida communications services tax and the local communications services tax.

(3) SALES TO THE STATE AND POLITICAL SUBDIVISIONS. The sale of communications services to a state or any county, municipality, or political subdivision of a state is exempt from the Florida communications services tax and the local communications services tax.

(4) DOCUMENTATION REQUIREMENTS.

(a) A dealer is not obligated to collect and remit the Florida communications services tax and the local communications services tax on such sales when either of the following two alternative documentation requirements has been met and the payments are made directly by the governmental entity.

1. A dealer has on file a writing or document evidencing a representation of the dealer's customer that the communications services are being purchased by an entity described in subsection (2) or (3). The writing or document may be a customer application, a certificate, or a series of billing statements to the customer that identifies the customer as such an entity and that provides the customer a means to change its classification if the communications services are no longer purchased for use by the entity. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business at the time of establishing the account.

2. A dealer has on file a copy of the customer's Florida Consumer's Certificate of Exemption (form DR-14) identifying the customer as "federal," "state," "county," or "municipality."

(b) A dealer must have acted in good faith in accepting the representation of the customer.

(c) When a dealer accepts a payment made using an authorized Purchasing or Procurement Card ("P-Card") that indicates on its face that it is a Florida state or local government purchasing card for official business only, a dealer should not charge any communications services taxes.

1. To substantiate the exempt nature of the sale in its books and records, a dealer is only required to either:

a. Obtain a copy of the face of the Purchasing or Procurement Card, or

b. Obtain the tax exempt number, account number, and cardholder name from the face of the card.

2. Payments made using a Purchasing or Procurement Card are direct payments by the authorizing governmental entity. A dealer is not required to obtain a copy of the governmental entity's Consumer's Certificate of Exemption.

3. A dealer is not obligated to determine what items the Purchasing or Procurement card may or may not be used to purchase. It is the cardholder's responsibility to use the card only for allowable purchases.

(5) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(2), (3), 202.13(2), 202.16(4), 202.34(3) FS. History--New

12A-19.043 Religious and Educational Organizations Exemption from the Communications Services Tax.

(1)(a) The sale of communications services, as defined in s. 202.11(3), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.

(b) This rule governs the documentation and recordkeeping requirements regarding the exemption for sales to religious or educational organizations from the communications services taxes.

(2) SALES TO RELIGIOUS ORGANIZATIONS.

(a) The sale of communications services to a religious organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the term "religious organization" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) For purposes of this rule, "religious organizations" include:

1. Churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on;

2. Nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees;

3. Nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious institutions;

4. Any nonprofit corporation that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public;

5. Any nonprofit corporation the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge; and

6. Any nonprofit corporation the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(d) DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a religious organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a religious organization, as defined by this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting religious organizations exemption under s. 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a religious organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY RELIGIOUS ORGANIZATION

DATE: _____
 TO: _____ (Selling Dealer's Business Name)
 _____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt religious organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt religious organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is a "religious organization" as that term is defined by the rules of the Department of Revenue.

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

AUTHORIZED SIGNATURE ON BEHALF OF THE
EXEMPT ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND
TITLE

NAME OF THE EXEMPT ORGANIZATION

ADDRESS OF EXEMPT ORGANIZATION

(3) EDUCATIONAL ORGANIZATIONS.

(a) The sale of communications services to an educational organization, as defined by this rule, is exempt from the Florida communications services tax and the local communications services tax.

(b) As used in this rule, the term "educational organization" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) For purposes of this rule, "educational organizations" include:

1. State-tax supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.;

2. Nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health;

3. Nonprofit libraries;

4. Nonprofit art galleries;

5. Nonprofit performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year; and

6. Nonprofit museums that are open to the public.

(d) A state-tax supported school, college, or university that is exempt as a governmental organization described in Rule 12A-19.042, F.A.C., and as an educational organization as described in this rule may claim either exemption.

(e) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as an educational organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for an educational organization, as defined by this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not

required to obtain copies of Internal Revenue Service determination letters granting educational organizations exemption under s. 501(c)(3) of the Internal Revenue Code.

(f) The following is a suggested format to be provided by an educational organization to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF
COMMUNICATIONS SERVICES BY
EDUCATIONAL ORGANIZATIONS

DATE: _____

TO: _____ (Selling Dealer's Business Name)
_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt educational organization identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt educational organization identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt educational organization identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is an "educational organization," as defined by the rules of the Department of Revenue.

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

AUTHORIZED SIGNATURE ON BEHALF OF THE
EXEMPT ORGANIZATION

PRINTED NAME OF AUTHORIZED SIGNATORY AND
TITLE

NAME OF THE EXEMPT ORGANIZATION

ADDRESS OF EXEMPT ORGANIZATION

(4) RECORDKEEPING REQUIREMENTS.

(a) When a dealer has complied with the documentation requirements of this rule and the Department determines that tax, penalty, and interest are due, the Department will look to the customer for payment of the tax, penalty, and interest due. The Department will look to a dealer for payment of any applicable tax, penalty, and interest due when a dealer's books and records demonstrate a failure to comply with the documentation requirements of this rule.

(b) Electronic storage of all required records through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(3), 213.37 FS. History—New

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) Any municipality or county that adopts, repeals, or changes a local communications services tax rate or changes a permit fee election must notify the Department as provided in this rule.

(a) Notification of local communications services tax rate changes and changes in permit fee elections must be made on form DR-700021, Local Communications Services Tax Rate Change (hereby incorporated by reference), and a copy of the applicable resolution or ordinance must be submitted with the notification.

(b) Except as otherwise provided in subsection (4):

1. Local communications services tax rate changes are effective as to taxable communications services included on bills dated on or after the January 1 subsequent to adoption of the change;

2. The municipality or county adopting a change in local communication services tax rates or in permit fee election must notify the Department by the September 1 immediately preceding the January 1 effective date; and

3. The Department must provide notice of any change in local communication services tax rates to all affected dealers of communications services at least 90 days before the January 1 effective date.

(c) In the event a local government fails to notify the Department of any rate change within the required time as set forth in this rule, the Department is not liable for any loss of or decrease in revenue that results from such error, omission, or untimely action on the part of the local government.

(2) Form DR-700021, Local Communications Services Tax Rate Change, is available without cost by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; 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://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

(3) Permit Fee Elections.

(a) Each municipality, charter county, or noncharter county was required to elect prior to October 1, 2001 to either collect permit fees or to not collect permit fees. The initial

local communications services tax rate established for each local taxing jurisdiction depended upon that election. Local taxing jurisdictions that elected not to collect permit fees were also permitted to adopt resolutions or ordinances increasing their initial local communications services tax rate by .12 percent in the case of municipalities and charter counties and .24 percent in the case of noncharter counties. Local taxing jurisdictions are permitted to change their elections as in effect on October 1, 2001, but no change in election as to permit fees will be effective prior to January 1, 2003.

(b) If any local taxing jurisdiction that initially elected to not collect permit fees subsequently elects to collect permit fees, in addition to the effective date and notification procedures set forth in subsection (1), the following special rules apply:

1. If a municipality or charter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the sum of .12 percent plus the percentage increase in the local communications services tax, if any, pursuant to a permit fee election under s. 337.401(3)(c)1.b., F.S.

2. If a noncharter county changes its election and exercises its authority to collect permit fees, the rate of the local communications services tax imposed by the jurisdiction will automatically be reduced by the rate increase in the local communications services tax, if any, pursuant to a permit fee election under s. 337.401(3)(c)2.b., F.S.

3. Any county or municipality that changes its election and exercises its authority to collect permit fees must provide written notification to all dealers of communications services in the jurisdiction by the July 1 immediately preceding the January 1 effective date of the change of election.

(c) If any local taxing jurisdiction that initially elected to collect permit fees subsequently elects to not collect permit fees, the rate of the local communications services tax imposed by the jurisdiction may be increased by ordinance or resolution by up to .24 percent.

(4) Emergency Local Rate Changes.

(a) For the period October 1, 2001, through September 30, 2002, any local taxing jurisdiction may increase its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2)(a)3., F.S. A local taxing jurisdiction may be required to decrease its local communications services tax rate by emergency ordinance or resolution pursuant to s. 202.20(2)(a)4., F.S. Emergency rate changes cannot take effect sooner than the first day of the first month beginning at least 60 days after adoption of the rate change.

(b) A local taxing jurisdiction must notify the Department, using form DR-700021, Local Communications Services Tax Rate Change, immediately upon adoption of an emergency rate change, but not less than 60 days prior to its effective date. The

Department will provide written notice of the emergency rate adoption to affected dealers within 30 days after receipt of notification from the local taxing jurisdiction.

(c) A copy of the emergency ordinance or resolution adopting the rate change must be provided to the Department. The emergency ordinance or resolution must specify the new rate and effective date.

(d) Example: A local taxing jurisdiction adopts an emergency rate ordinance on February 20, 2002. The earliest permissible effective date for the new rate is May 1, 2002 (the first day of the first month beginning 60 days after the date of adoption). Notification and a copy of the ordinance must be provided to the Department no later than March 2, 2002 (60 days prior to the effective date for the new rate). If the Department receives the notice on February 25, 2002, the Department must notify dealers no later than March 27, 2002 (30 days after receiving the notice from the local taxing jurisdiction).

Specific Authority 202.21, 202.28(1)(b)2, FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c),(j) FS. History—New _____.

12A-19.060 Sales for the Purpose of Resale.

(1) A sale for the purpose of resale is excluded from the tax imposed by and administered under Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A “dealer” means a person registered with the Department as a provider of communications services in Florida.

(b) An “active registered dealer” means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in s. 202.17(6), F.S.

(c) A “purchaser” means the person paying for or obligated to pay for communications services.

(3) A “sale for the purpose of resale” occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

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

registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate number, the registration effective date, the expiration date of the certificate, and the purposes for which the certificate may be provided will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer’s initial Communications Services Tax Annual Resale Certificate will be the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(d) In the event that a dealer’s original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at 1(800)352-3671 (in Florida only) or (850)488-6800. Persons with hearing or speech impairments may call the Department’s TDD, at 1(800)367-8331. Written requests should be addressed to Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when a selling dealer receives a copy of the certificate in good faith.

(6) PROVISIONS APPLICABLE TO SELLING DEALERS.

(a) A selling dealer who makes a sale for the purpose of resale and receives a copy of a valid Communications Services Tax Annual Resale Certificate in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(c) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and the sale can never be considered a sale for resale. However, a selling dealer who accepts a copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purpose of resale to a purchaser who has previously provided a copy the purchaser's current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser's Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new copy of the purchaser's Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purpose of resale in subsequent calendar years.

(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A copy of a Communications Services Tax Annual Resale Certificate may only be provided by an active registered dealer who holds a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides a copy of its Communications Services Tax Annual Resale Certificate for any purchase after its Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

(8) REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purpose of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Electronic storage by a selling dealer of a copy of a purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Silvey, Senior Attorney, telephone number (850)922-4727, and Gary Gray, Tax Law Specialist, telephone

number (850)922-4729, Department of Revenue, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001, Vol. 27, No. 22. A rule development workshop was held on June 26, 2001, in the Auditorium of the R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida, commencing at 10 a.m. and concluding at 10:45 a.m.

PUBLIC SERVICE COMMISSION

DOCKET NO. 010975-OT

RULE TITLE: Numbering of Orders

RULE NO.: 25-22.104

PURPOSE AND EFFECT: The purpose of this rule amendment is to correct the procedure set out for categorization of proposed agency action orders and to add three new order categories and one new docket suffix.

SUMMARY: The rule change designates proposed agency action orders as "PAA," consummating orders as "CO," tariff orders as "TRF," and show cause orders as "SC." The rule change also reflects the Commission's regulation of alternative local exchange telecommunications companies and assigns the abbreviation "TX" to these entities.

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 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: 350.127(2), 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.104 Numbering of Orders.

(1) No change.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. ~~The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued.~~ The order categories are as follows:

DS – Declaratory Statement

FOI – Final Order Informal Proceedings

FOF – Final Order Formal Proceedings

S – Stipulation

AS – Agreed Settlement

CO – ~~Consent Order~~ Consummating Order

PAA – Proposed Agency Action Order

TRF – Tariff Order

SC – Show Cause Order

PCO – Procedural Order

PHO – Prehearing Order

CFO – Confidentiality Order

NOR – Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

EI – Electric Utility – Investor Owned

EM – Electric Utility –V Municipality

EC – Electric Utility – Rural Electric Cooperative

EU – Electric Utility – All

EG – Energy Conservation

EQ – Qualifying Cogeneration Facility

GU – Gas Industry

GP – Gas Pipeline

TA – Telephone Utility – Alternate Access Vendor

TC – Telephone Utility – Coin (Pay) Telephone Company

TI – Telephone Utility – Interexchange Company

TL – Telephone Utility – Local Exchange Company

TS – Telephone Utility – Shared Tenant Company

TX – Telephone Utility – Alternative Local Exchange

TP – Telephone (Communications) Industry Generally

WU – Water Utility

SU – Wastewater (Sewer) Utility

WS – Water and Wastewater Utility

PU – Public Utilities Generally – Applies to matters which pertain to two or more industries.

OT – Other Matters – Administrative Matters not related to a particular industry.

Specific Authority 120.53 FS. Law Implemented 120.53(2)-(4) FS. History– New 9-24-92, Amended 12-27-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kay Flynn

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 27, No. 31, August 3, 2001

COMMISSION ON ETHICS

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

PURPOSE AND EFFECT: The purpose of the proposed amendment is to amend two forms used in the Executive Branch Lobbyist Registration program. In a companion rulemaking, the Commission is reducing the amount of the annual registration fee from \$35 per principal to \$25 per principal. Therefore, CE Form 20 and CE Form 20-R need to be amended.

SUMMARY: CE Form 20 and CE Form 20-R are being amended to reflect the annual registration fee of \$25 per principal.

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

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

SPECIFIC AUTHORITY: Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS.

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

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

TIME AND DATE: 9:00 a.m., Friday, November 30, 2001

PLACE: Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

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

(a) through (i) No change.

(j) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/2002 ~~4/2000~~.

(k) Form 20-R, Executive Branch Lobbyist Renewal. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/2002 ~~4/2000~~.

- (l) through (s) No change.
- (2) No change.

PROPOSED EFFECTIVE DATE: January 1, 2002

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 1-1-02.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2001

COMMISSION ON ETHICS

RULE CHAPTER TITLE:	EXECUTIVE BRANCH LOBBYIST	RULE CHAPTER NO.:	
	Registration		34-12
RULE TITLES:		RULE NOS.:	
	Registration Fees		34-12.310
	Annual Renewals		34-12.330

PURPOSE AND EFFECT: The purpose of this amendment is to lower the cost of the annual registration fee from \$35 per principal to \$25 per principal.

SUMMARY: The amount of the annual registration fee, which is presently \$35 per principal, is being reduced. Rules 34-12.310 and 34-12.330 both indicate the amount of the annual fee.

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

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

SPECIFIC AUTHORITY: 112.3215, 112.322(9) FS.

LAW IMPLEMENTED: 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., November 30, 2001

PLACE: Committee Meeting Room A, Lower Level, Senate Office Building, The Capitol, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

34-12.310 Registration Fees.

In order to register, each lobbyist shall pay an annual registration fee of \$25.00 ~~35.00~~ for each principal represented, which shall be deposited into the Executive Branch Lobby Registration Trust Fund. The fee is payable on a calendar year basis; once having paid the fee, a lobbyist is not required to pay the fee again during the same calendar year regardless of how many additional agencies he may lobby.

Specific Authority 112.3215, 112.322(9) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 10-6-91, 1-1-97, 11-24-97, _____.

34-12.330 Annual Renewals.

Each lobbyist must renew his registration to lobby an agency on behalf of a principal on a calendar year basis by filing a Lobbyist Renewal Form 20-R and the annual registration fee of \$25.00 ~~35.00~~ for each principal represented. Prior to January 1 of each year, the Commission or other office established to administer lobbyist registration will mail to each currently registered lobbyist Commission Form 20-R, together with a notice which states that the lobbyist must renew his registration of those principals the lobbyist continues to represent before agencies of the executive branch by filing the form and paying the annual registration fee.

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority 112.3215, 112.322(9) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 10-6-91, 7-5-92, 12-6-92, 1-1-97, 11-24-97, 1-1-02.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2001

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLES:	RULE NOS.:
Nursing Home Employee Training Requirements	58A-4.001
Nursing Home Training Provider and Curriculum Approval	58A-4.002

PURPOSE AND EFFECT: The proposed rules were developed in consultation with the Agency for Health Care Administration to implement Section 26 of Chapter 2001-45, Laws of Florida, which directs the Department of Elder Affairs

in newly created s. 400.1755(5), F.S., to adopt rules establishing standards for Alzheimer's Disease training providers and training.

SUMMARY: The purpose of the proposed rules is to describe minimum standards for training providers and training, and describe procedures for approval of Alzheimer's Disease training curricula and training 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: 400.1755 FS.

LAW IMPLEMENTED: 400.1755 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. – 11:00 a.m., Tuesday, November 13, 2001

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Dunn, Office of General Counsel, or Linda Macdonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-4.001 Nursing Home Employee Training Requirements.

(1) Each facility licensed under Part II of Chapter 400, Florida Statutes, shall ensure that facility employees receive the following training.

(a) Completion of the required initial one hour of training after June 30, 2001, shall satisfy the requirement referenced in subsection 400.1755(2), F.S. Facility employees who meet the requirements for Alzheimer's training providers under paragraph (d) of this subsection shall be considered as having met this requirement. Initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease;
2. Characteristics of Alzheimer's Disease; and
3. Communicating with residents with Alzheimer's Disease.

(b) Completion of the required continuing three hours of training after June 30, 2001, shall satisfy the requirement referenced in subsection 400.1755(3), F.S. Facility employees who meet the requirements for Alzheimer's training providers under paragraph (d) of this subsection shall be considered as

having met the requirements of subsection 400.1755(3), F.S. The three hours of continuing training must address the following subject areas as they apply to Alzheimer's Disease:

1. Behavior management;
2. Assistance with activities of daily life;
3. Activities for residents;
4. Stress management for the care giver;
5. Family issues;
6. Resident environment; and
7. Ethical issues.

(c) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Nursing-Home Residents with Alzheimer's Disease, October 2001, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) Persons who seek to provide Alzheimer's training in accordance with this subsection shall provide the Department of Elder Affairs with a training course curriculum and documentation that they hold a Bachelor's degree in a health-care related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess one year of teaching experience as an educator of care givers for persons with Alzheimer's Disease;
2. Have three years of practical experience in a program providing care to persons with Alzheimer's Disease; or
3. Have completed a specialized training program in Alzheimer's Disease, and have a minimum of two years of practical experience in a program providing care to persons with Alzheimer's Disease.

(e) With reference to requirements in paragraph (d), a Master's degree from an accredited college or university in a subject related to the content of this training program can substitute for the one year of teaching experience referenced in subsection (2). Years of teaching experience as an educator of care givers for persons with Alzheimer's Disease may substitute on a year-by-year basis for the required Bachelor's degree.

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of section 400.4178, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 400.1755 FS. Law Implemented 400.1755 FS. History—New.

58A-4.002 Nursing Home Training Provider and Curriculum Approval.

(1) As indicated in Rule 58A-4.001(1)(d), Alzheimer's training shall be approved by application to the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, and each training provider shall submit

qualifications to provide training and proposed course curricula to the Department prior to commencing training activities.

(2) Upon receipt of the training provider's application, the Department shall respond in writing within 30 calendar days to the provider in one of the following three ways:

(a) Notify the provider that the application is approved or not approved;

(b) Request additional information from the provider in order to make a determination; or

(c) Notify the provider that additional time is needed to review the application and make a determination. Upon notice of approval from the Department, the training provider may identify the provider's training program as approved by the Florida Department of Elder Affairs. The Department shall maintain a list of approved training providers and provide a list of approved training providers to all interested parties upon request.

(3) If a training provider's application is not approved, the Department shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(4) Approved training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the training program, the number of hours of training, the training provider's name, the date and location of the course, and a roster of trainees.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the training provider. The certificate shall include the title of the training course, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name, dated signature, and the trainee's license or certification number.

(6) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(7) Certificates of any training required by this rule shall be documented in the facility's personnel files.

(8) Training providers and curricula which are approved consistent with the provisions of section 400.4178, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 400.1755 FS. Law Implemented 400.1755 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda MacDonald

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Luis C. Morse, Acting Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
Adverse Incident Report	58A-5.0241
Liability Claim Report	58A-5.0242
Temporary License	58A-5.033

PURPOSE AND EFFECT: The proposed rules and rule amendments were developed in consultation with the Agency for Health Care Administration to implement Sections 34 and 36 of Chapter 2001-45, Laws of Florida. Section 36 creates a new Florida Statute 400.423 which authorizes the Department of Elder Affairs to adopt rules necessary to administer that section, and section 34 provides for temporary licensure pending final disposition of certain actions. These rule amendments and rules, proposed as necessary for administering the new legislation, define elopement and temporary licensure, provide procedures for adverse incident reporting, incorporate by reference into the rule the initial 1-day adverse incident report, incorporate by reference into the rule the full 15-day adverse incident report, provide procedures for liability claim reporting, incorporate by reference into the rule the liability claim form, and provide procedures for temporary licensure.

SUMMARY: The purpose of the proposed rules and rule amendments are to: provide definitions for elopement and temporary licensure, describe procedures for assisted living facilities to submit adverse-incident and liability-claim reports, and provide procedures for issuing of temporary licenses upon the initiation of any proceeding with regard to adverse incidents and liability claims.

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: 400.423 FS.

LAW IMPLEMENTED: 400.414, 400.423 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: 1:00 p.m. – 3:00 p.m., Tuesday, November 13, 2001

PLACE: 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of General Counsel, or Linda Macdonald, Statewide Community-Based Services, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-5.0131 Definitions.

The following terms are defined in s. 400.402, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), administrator, agency (AHCA), aging in place or age in place, applicant, assisted living facility (ALF), chemical restraint, community living support plan, cooperative agreement, department (DOEA), emergency, extended congregate care (ECC), guardian, limited nursing services (LNS), managed risk, mental health resident, personal services, physical restraint, relative, resident, resident's representative or designee, service plan, shared responsibility, supervision, supplemental security income, supportive services, and twenty-four-hour nursing supervision. Additional definitions applicable in this rule chapter are as follows:

(1) through (13) No change.

(14) "Elopement" means an occurrence in which a resident leaves a facility without following facility policy and procedures.

(14) through (34) renumbered (15) through (35) No change.

(36) "Temporary license" means a license issued by Agency for Health Care Administration to an assisted living facility that supercedes and temporarily replaces the current license and remains in place pending the final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.

(37)~~(36)~~ No change.

Specific Authority 400.423, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.411, 400.414, 400.4178, 400.419, 400.4255, 400.423, 400.428, 400.441, 400.447, 400.452 FS. History–New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99.

58A-5.0241 Adverse Incident Report.

(1) INITIAL ADVERSE INCIDENT REPORT. Each facility licensed under Part III of Chapter 400, Florida Statutes, shall submit a preliminary report of each adverse incident by completing an Assisted Living Facility Initial Adverse Incident Report – 1 Day, DOEA Form 3180-1024, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration at the address listed below, and mailing the form to the Agency for Health Care Administration, Assisted Living Unit, 2727 Mahan Dr., MS 30, Tallahassee, Florida 32308, telephone (850)487-2515.

Each facility must comply with report timeframe and transmission requirements specified in section 400.423(3), Florida Statutes. The Initial Adverse Incident Report is in addition to and does not replace other reporting requirements specified in Florida Statutes. If an adverse incident has not occurred within the facility, no report is required.

(2) FULL ADVERSE INCIDENT REPORT. Each facility that has submitted a preliminary report by completing DOEA Form 3180-1024 shall submit a full report of each adverse incident by completing an Assisted Living Facility Complete Adverse Incident Report – 15 Day, DOEA Form 3180-1025, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration as indicated in section (1) above, and mailing the form to the Agency for Health Care Administration, Assisted Living Unit, at the address and telephone number indicated in section (1) above. Each facility must comply with report time frame and transmission requirements specified in section 400.423(4), Florida Statutes.

Specific Authority 400.423 FS. Law Implemented 400.423 FS. History–New

58A-5.0242 Liability Claim Report.

(1) MONTHLY LIABILITY CLAIM REPORT. Each facility licensed under Part III of Chapter 400, F.S., shall report monthly any liability claim filed against the facility by completing an Assisted Living Facility Monthly Liability Claim Information, DOEA Form 3180-1026, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration at the address indicated in section 58A-5.024(1). Each facility must comply with report time frame and transmission requirements specified in section 400.423(5), Florida Statutes.

(2) If a liability claim has not been filed against the facility in a given month, no report is required.

Specific Authority 400.423 FS. Law Implemented 400.423 FS. History–New

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part III of Chapter 400, F.S., and this rule chapter.

(1) through (6) No change.

(7) TEMPORARY LICENSE. Temporary licenses as defined in Rule 58A-5.0131(37) may be issued by the Agency upon the initiation of any proceeding pursuant to s. 400.414(8), F.S.

Specific Authority 400.415, 400.423, 400.441, 400.442 FS. Law Implemented 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.419, 400.42, 400.423, 400.427, 400.428, 400.431, 400.434, 400.441, 400.442 FS. History–New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Macdonald
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Luis C. Morse, Acting Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Citations
RULE NO.: 64B17-7.002
PURPOSE AND EFFECT: The Board proposes to add minor violations and penalties for which a citation should be issued.
SUMMARY: The Board is amending this rule by adding citation offenses and requiring the collection of administrative costs.
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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025, 456.077 FS.
LAW IMPLEMENTED: 456.077 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:
64B17-7.002 Citations.
(1) through (3) No change.
(4) The Board designates the following as citation violations:
(a) Advertising for discounted services (Section 456.062, F.S.) - \$250 for first offense.
(b) Failure to turn over patient records (Section 456.057, F.S.) - If corrected, a citation and a fine of \$100; if not corrected, referral to probable cause.
(c) First-time failure of the licensee to satisfy Falsification of AIDS education coursework (Rule 64B17-8.001, F.A.C.) - If coursework completed, \$250 fine. If not completed, \$500 fine and sixty days to complete coursework or matter will be referred to probable cause.

(d) Obtaining a license by issuing a bad check (456.072(1)(h)) - If the check and bad check fee are paid, \$100 fine.

(e) Failure to report in writing to the Board within 30 days after criminal conviction of licensee (456.072(1)(w)) - If reported within six months of conviction, \$250 fine.

(f) First-time failure of the licensee to satisfy continuing education requirements established by the Board - If the licensee rectifies the deficiencies within six months after notification of audit deficit, \$500 fine.

(g) Failure to notify the Board office in writing within 60 days of a change of address, \$250 fine.

(h) Failure to comply with a continuing education audit request within 30 days of the request, \$250 fine.

(5) In addition to the penalties established in this rule, the Department shall may recover the costs of investigation in accordance with its rules. When the Department intends to assess the costs of investigation, the penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) No change.

Specific Authority 486.025, 456.077 FS. Law Implemented 456.077 FS. History-New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH
Dental Laboratories

RULE TITLE: Dental Laboratory Biennial Registration
RULE NO.: 64B27-1.002
PURPOSE AND EFFECT: The Department of Health is proposing amendments to Rule 64B27-1.002, FAC., in order to comply with revisions to Section 466.032, Florida Statutes, requiring biennial registration for each dental laboratory.
SUMMARY: Rule 64B27-1.002, F.A.C., is amended to establish that the dental laboratory registration renewal fee be paid beinnially.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding this proposed rule.

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: 466.038 FS.

LAW IMPLEMENTED: 466.032 FS.

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

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years ~~one year~~, after the Department has received from the registering person, firm, or corporation:

(1) ~~The a completed~~ registration form provided by the Department, and

(2) A biennial ~~an annual~~ registration fee of \$200.00 ~~\$100.00~~.

Specific Authority 466.038 FS. Law Implemented 466.032(1) FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES:	RULE NOS.:
Attendance at Board Meetings	64B32-1.008
Other Business Involving the Board	64B32-1.009
Spouses of Members of Armed Forces Exemption	64B32-1.010

PURPOSE AND EFFECT: The Board proposes to define attendance at Board meetings, other business involving the Board for the purpose of Board member compensation, and the exemption for absent military spouses from licensure renewal requirements.

SUMMARY: The Board proposes to clarify rules governing Board member attendance, other business involving compensatory reimbursement for Board members and exemption of spouses of members of armed forces.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.011(3), 456.011(4), 456.024(2) FS.

LAW IMPLEMENTED: 456.011(3), 456.011(4), 456.024(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B32-1.008 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member’s family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in section (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History—New _____.

64B32-1.009 Other Business Involving the Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, “other business involving the Board” does not include telephone conference calls that last less than four hours, but otherwise is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department;
- (4) Probable cause panel meetings;
- (5) Attendance at legislative workshops or committee meetings at the request of the Board or Department;
- (6) Attendance at meetings of National and State Associations as an authorized representative of the Board;
- (7) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (8) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History—New _____.

64B32-1.010 Spouses of Members of Armed Forces Exemption.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time when the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

Specific Authority 456.024(2) FS. Law Implemented 456.024(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Substance Exposed Children, Children Adversely Affected by Alcohol, and the Families of These Children	64F-4
RULE TITLES:	RULE NOS.:
Definitions	64F-4.001
Reducing the Impact of Prenatal Substance Abuse	64F-4.002

Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse	64F-4.003
Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations	64F-4.004
Requirements for Notification of the State Attorney and Law Enforcement Officials	64F-4.005
District Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families	64F-4.006
Abuse Registry Staff Responsibilities	64F-4.007
C and F Responsibilities	64F-4.008
CHD Responsibilities	64F-4.009

Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women’s Intervention Specialists	64F-4.010
---	-----------

PURPOSE AND EFFECT: Purpose is to repeal rules over which the Department of Health no longer has specific statutory rule making authority. Effect will be that the Department more properly outlines the responsibilities of personnel in policy and guidelines.

SUMMARY: These rules outlined responsibilities for services for families including substance exposed children.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide informaiton 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.

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. – 12:00 Noon, November 14, 2001

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Peck, Division of Family Health Services, Maternal and Child Health Unit, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-4.001 Definitions.

Specific Authority 383.011(2), 397.406, 415.514 FS. Law Implemented Chapter 39, Part III, 381.0011, 383.011, 397.406, 415.502-.514, 893.03 FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.002, Repealed _____.

64F-4.002 Reducing the Impact of Prenatal Substance Abuse.

Specific Authority 383.011 FS. Law Implemented 383.011 FS. History–New 11-30-93, Formerly 10D-115.003, Repealed.

64F-4.003 Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse.

Specific Authority 120.535, 383.011, 415.514 FS. Law Implemented 39.401(2)(a), 383.011, 415.502-.514 FS. History–New 11-30-93, Formerly 10D-115.004, Repealed.

64F-4.004 Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 415.502-.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.005, Repealed.

64F-4.005 Requirements for Notification of the State Attorney and Law Enforcement Officials.

Specific Authority 415.514 FS. Law Implemented 415.503(9)(a)2., 415.505(1)(a) FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.006, Repealed.

64F-4.006 District Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families.

Specific Authority 120.535, 415.514 FS. Law Implemented 39.408, 381.001, 393.068, 415.502-.514 FS. History–New 11-30-93, Formerly 10D-115.007, Repealed.

64F-4.007 Abuse Registry Staff Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 393.068, 415.502-.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.008, Repealed.

64F-4.008 C and F Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 39.408(3)(a), 383.011, 393.068, 415.502-.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.009, Repealed.

64F-4.009 CHD Responsibilities.

Specific Authority 383.001, 397.406 FS. Law Implemented 383.001, 393.068, 397.406 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.010, Repealed.

64F-4.010 Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women’s Intervention Specialists.

Specific Authority 396.062, 397.031(6) FS. Law Implemented 393.068, 396.052, 397.215(1) FS. History–New 11-30-93, Formerly 10D-115.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Peck, Division of Family Health Services, Maternal and Child Health Unit, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, A.R.N.P., M.S.N., Acting Director, Division of Family Health Services, Bin A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DEPARTMENT OF HEALTH

Biomedical Research Advisory Council

RULE TITLE: Biomedical Research Program

RULE NO.: 64H-1.001

PURPOSE AND EFFECT: This rule will incorporate the manual and forms required to apply for research grants under the Florida Biomedical Research Program, pursuant to the provisions of 215.5602, F.S.

SUMMARY: The rule consists primarily of the form number and manual title, which are incorporated by reference.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602 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: 2:00 p.m., Wednesday, November 14, 2001

PLACE: 2585 Merchant’s Row Boulevard, Conference Room 320P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rowe Rogero, Division of Disease Control, 4052 Bald Cypress Way, Bin #A09, Tallahassee, Florida 32399-1714

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-1.001 Florida Biomedical Research Program.

Grant applications for Investigator-Initiated Research Projects and New Investigator Research Projects shall be conducted in accordance with the Grant Application Manual dated February 2001, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, 2/01, incorporated by reference herein.

Specific Authority 215.5602 FS. Law Implemented 215.5602(9) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Catherine Hughes, OMC II, Biomedical Research Program
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Landis K. Crockett, MD, MPH,
 Director, Division of Disease Control
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 4, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 23, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Drug Screening and Drug Testing of Temporary Cash Assistance Applicants
 RULE NO.: 65A-4.301

PURPOSE AND EFFECT: The rule proposed for repeal is unnecessary as the statutory authority for this rule has expired. The demonstration project for Drug Screening and Drug Testing Program for Temporary Cash Assistance Applicants expired June 30, 2001 and was not re-authorized by the Legislature.

SUMMARY: This rule proposed for repeal is not necessary, as statutory authority for it no longer exists.

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: 414.45 FS.

LAW IMPLEMENTED: 414.70 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 am, November 13, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700, telephone (850)921-5553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.301 Drug Screening and Drug Testing of Temporary Cash Assistance Applicants.

Specific Authority 414.45 FS. Law Implemented 414.70 FS. History—New 11-11-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Marcia Dukes, Operations 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 8, 2001

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

DEPARTMENT OF INSURANCE

RULE NO.: 4-171.002
 RULE TITLE: General Reporting Requirements
 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. 27, No. 37, September 14, 2001, of the Florida Administrative Weekly. These changes are being made to address recommendations submitted in writing to the Department.

Paragraph (5)(b) is changed to read:

(b) For purposes of this rule ~~the~~ percentage of market shall be calculated by dividing the insurer's written current premiums from the most recent calendar year ~~written for the insurer by the preceding year's total statewide written premiums for the same calendar year written in the state~~ for that line of insurance.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
 ON OCTOBER 30, 2001**

The Governor and Cabinet, on October 30, 2001, sitting as head of the Department of Revenue, will consider approval of amendments to 12D-1.010, F.A.C., Reconciliation of Interim Tax Rolls-Form of Notification; 12D-7.015, F.A.C., Educational Exemption; 12D-13.014, F.A.C., Penalties or Interest, Collection on Roll; 12D-13.019, F.A.C., Collection of Interest or Penalties on Back Assessments; 12D-13.028, F.A.C., Homestead Tax Deferral - Definitions; 12D-13.037, F.A.C., Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll; 12D-13.061, F.A.C., Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.; 12D-13.062, F.A.C., Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale; 12D-13.063, F.A.C., Sale at Public Auction; 12D-16.002, F.A.C., Index to Forms. The proposed amendment to Rule 12D-1.010, F.A.C., is needed to remove reference to obsolete provisions. The proposed amendment to Rule 12D-7.015, F.A.C., is needed to