

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: RULE NOS.:  
 Fees 5F-1.040  
 Payment of Fees 5F-1.050

PURPOSE AND EFFECT: The purpose of Rules 5F-1.040 and 5F-1.050, F.A.C. is to establish current fees for actual Metrology Laboratory testing and calibration services, and to adopt the latest national reference materials used in determining suitability of field test standards for their intended purpose.

SUBJECT AREA TO BE ADDRESSED: Proposed Rules 5F-1.040 and 5F-1.050, F.A.C. will address increases in fees charged for calibrations performed in the Weights and Measures Metrology Laboratory to recover actual costs of performing the calibrations. It will also address the latest specifications for field test methods.

SPECIFIC AUTHORITY: 531.41 (3) FS.

LAWS IMPLEMENTED: 531.415 FS.

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

TIME AND DATE: 2:00 p.m., Monday, December 17, 2001

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-1.040 Fees.

The following fees are adopted:

(1) For each mass standard that is tested or certified to meet tolerances less stringent than American National Standards Institute/American Society for Testing and Materials (ANSI/ASTM) Standard E617 Appendix X5. for Class 4, the fee will be as follows:

<10 lbs. or metric equivalent.....	\$1.60 per unit
10 – 50 lbs. or metric equivalent.....	\$4.75 per unit
>50 – 1000 lbs. or metric equivalent.....	\$7.00 per unit
>1000 lbs or metric equivalent.....	\$20.00 per unit
0 – 2 lbs. or metric equivalent.....	\$1.95

>2 – 10 lbs. or metric equivalent.....	\$1.95
>10 – 50 lbs. or metric equivalent.....	\$5.70
>50 – 500 lbs. or metric equivalent.....	\$8.40
>500 – 1000 lbs. or metric equivalent.....	\$25.00 per unit
>1000 – 2500 lbs or metric equivalent.....	\$25.00 per unit
>2500 – 5000 lbs. or metric equivalent.....	\$25.00 per unit

(2) For each mass standard that is tested or certified to meet ANSI/ASTM Standard E617 Appendix X5. for Class 4 or equivalent tolerances, the fee will be as follows:

<10 lbs. or metric equivalent, without adjustment.....	\$4.15 per unit
<10 lbs. or metric equivalent, with adjustment.....	\$7.75 per unit
10 – 50 lbs. or metric equivalent.....	\$23.50 per unit
> 50 lbs. or metric equivalent.....	\$23.50 per unit
0 – 10 lbs. or metric equivalent, without adjustment.....	\$5.00

per unit	
0 – 10 lbs. or metric equivalent, with adjustment	\$9.30 per unit
>10 – 50 lbs. or metric equivalent.....	\$28.20 per unit
> 50 – 500 lbs. or metric equivalent.....	\$28.20 per unit
>500 – 1000 lbs. or metric equivalent.....	\$28.20 per unit
>1000 – 2500 lbs. or metric equivalent.....	\$28.20 per unit
>2500 – 5000 lbs. or metric equivalent.....	\$28.20 per unit

(3) For each mass standard that is tested or certified to meet ANSI/ASTM Standard E617 Appendix X3. for Class 1 or calibrated to determine actual mass or apparent mass values, the fee will be as follows:

<10 lbs. or metric equivalent.....	\$23.50 per unit
>10 – 20 lbs. or metric equivalent.....	\$40.00 per unit
> 20 lbs. or metric equivalent.....	\$47.25 per unit
0 – 10 lbs. or metric equivalent.....	\$28.20 per unit
>10 – 20 lbs. or metric equivalent.....	\$40.00 per unit
> 20 – 50 lbs. or metric equivalent.....	\$50.00 per unit
>50 – 1000 lbs. or metric equivalent.....	\$50.00 per unit
>1000 – 2500 lbs. or metric equivalent.....	\$50.00 per unit
>2500 – 5000 lbs. or metric equivalent.....	\$50.00 per unit

(4) For each volumetric flask, graduate, or test measure, the fee will be as follows:

0 – 50 gallon capacity or metric equivalent .....	\$25.00	\$20.00
per unit		
>5 – 50 gallon capacity or metric equivalent.....	\$35.00	\$35.00 per unit
> 50 – 200 gallon capacity or metric equivalent.....	\$56.70	\$47.25
per unit		
> 200 – 500 gallon capacity or metric equivalent .....	\$141.60	\$118.00
per unit		
>500 – 1000 gallon capacity or metric equivalent .....	\$169.80	\$141.50
per unit		
> 1000 gallon capacity or metric equivalent.....	\$228.00	\$190.00
per unit		
0 – 25 gallon capacity or metric equivalent used for measuring Liquid Propane Gas or similar gases.....	\$112.80	\$94.00
per unit		

>25 gallon capacity or metric equivalent used for measuring Liquid Propane Gas or similar gases .....\$169.80 ~~\$141.50~~  
per unit

(5) For each linear measure that is tolerance tested or certified to meet a certain tolerance, the fee shall be \$75.00

(6) For each linear measure that is calibrated to determine actual values, the fee shall be as follows:

Rigid Rules (at no more than 6 calibration points).....\$100.00  
\$94.00

Steel Tapes (at no more than 12 calibration points).....\$100.00  
Additional calibration points will be assessed fees according to "Special tests and preparations" in section (9).

(7) For each liquid-in-glass or electronic thermometer that is tolerance tested or certified, the fee shall be \$50.00.

(8) For each liquid-in-glass or electronic thermometer that is calibrated at no more than six (6) calibration points to determine actual values, the fee shall be ~~\$100.00~~ \$94.00. Additional calibration points will be assessed fees according to "Special tests and preparations" in Section (9).

(9) For each special test or special preparation, the fee shall be ~~\$50.00~~ \$47.25 per hour. Calibrations or tests whose individual fee(s) would total less than the equivalent of one-half hour of this hourly charge will be considered as special preparation and a fee of ~~\$25.00~~ \$23.62 will be charged to cover the actual costs of set-up and preparation.

(10) Materials. The American National Standards Institute/American Society for Testing and Materials Standard E617 Appendices X3. and X5. (1991) are hereby incorporated by reference. They may be obtained from the American Society of Testing and Materials, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org> ~~1916 Race Street, Philadelphia, Pennsylvania 19103.~~

Specific Authority 531.41(3) FS. Law Implemented 531.415 FS. History—New 10-10-93, Amended 3-17-98,\_\_\_\_\_.

5F-1.050 Payment of Fees.

(1) Each fee is payable at the time the metrology service is provided, regardless of whether the item tested is certified or approved. The Department may refuse to accept for testing any item it considers unsuitable for its intended use after consideration of United States Department of Commerce, ~~National Bureau of Standards (NBS): Monograph 150, Liquid in Glass Thermometry (1976); United States Department of Commerce, National Institute of Standards and Technology (NIST): Handbook 105-1, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 1. Specifications and Tolerances for Field Standard Weights (NIST Class F) (Rev. 1990); Handbook 105-2, Specifications and Tolerances for Reference Standard and Field Standard Weights and Measures, 2. Specifications and Tolerances for Field Standard Measuring Flask (1996); Handbook 105-3, Specifications and Tolerances~~

for Reference Standards and Field Standard Weights and Measures, 3. Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards (1997); Handbook 105-4, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 4. Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers (1997); Handbook 105-6, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 6. Specifications and Tolerances for Thermometers (1997); Handbook 105-7, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 7. Specifications and Tolerances for Dynamic Small Volume Provers (1997); and The American National Standards Institute/American Society for Testing and Materials, Standard E617 Appendices X1. and X2. (1991).

(2) Fees not collected within 30 days of the date the services are provided are considered delinquent.

(3) Materials. The following materials are hereby incorporated by reference:

~~(a) United States Department of Commerce, National Bureau of Standards (NBS), Monograph 150, Liquid in Glass Thermometry (1976). Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

~~(a)(b) United States Department of Commerce, National Institute of Standards and Technology (NIST) NIST Handbook 105-1, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 1. Specifications and Tolerances for Field Standard Weights (NIST Class F) (Revised 1990). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350. The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

~~(b)(c) United States Department of Commerce, National Institute of Standards and Technology, Handbook 105-2, Specifications and Tolerances for Reference Standard and Field Standard Weights and Measures, 2. Specifications and Tolerances for Field Standard Measuring Flask (1996). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350. The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

~~(c)(d) United States Department of Commerce, National Institute of Standards and Technology, Handbook 105-3, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 3. Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards (1997). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and~~

Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350. The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

~~(e) The American National Standards Institute/American Society for Testing and Materials, Standard E617 Appendices X1. Suggested Applications and X2. Physical Characteristics, (1991). Copies may be obtained from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.~~

~~(d)(f) United States Department of Commerce, National Institute of Standards and Technology Handbook 105-4, Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, 4. Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers (1997). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350.~~

~~(e) United States Department of Commerce, National Institute of Standards and Technology Handbook 105-6, Specifications and Tolerances for Reference Standards and Standard Weights and Measures, 6. Specifications and Tolerances for Thermometers (1997). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350.~~

~~(f)(g) United States Department of Commerce, National Institute of Standards and Technology Handbook 105-7, Specifications and Tolerances for Reference Standards and Standard Weights and Measures, 7. Specifications and Tolerances for Dynamic Small Volume Provers (1997). Copies may be obtained from the Office of Weights and Measures, National Institute of Standards and Technology, 100 Bureau Drive, STOP 2350, Gaithersburg, MD 20899-2350. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~

~~(g) The American National Standards Institute/American Society for Testing and Materials, Standard E617 Appendices X1. Suggested Applications and X2. Physical Characteristics, (1991). Copies may be obtained from the American Society of Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org> 4916 Race Street, Philadelphia, Pennsylvania 19103.~~

Specific Authority 531.41(3) FS. Law Implemented 531.415 FS. History—New 10-10-93, Amended 3-17-98.

**DEPARTMENT OF EDUCATION**

**RULE TITLE:** Florida Bright Futures Scholarship Program  
**RULE NO.:** 6-20.001  
**PURPOSE AND EFFECT:** The purpose of this rule development is to provide for general and initial eligibility requirements, as well as institutional requirements, for the Florida Bright Futures Scholarship Program.

**SUBJECT AREA TO BE ADDRESSED:** Procedures for application, eligibility, administration and institutional responsibilities of the Florida Bright Futures Program are to be addressed in this rule.

**SPECIFIC AUTHORITY:** 240.40201(3) FS.

**LAW IMPLEMENTED:** 240.40201, 240.40202, 240.40203, 240.40204, 240.40205, 240.40206, 240.40208, 240.40209 FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janie Westberry, Bureau Chief, Office of Student Financial Assistance, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)410-5200

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definition of Terms for State Student Aid Programs	6A-20.001
Program Compliance Audits of State Student Financial Aid and Florida Resident Access Grant Programs	6A-20.0021
Florida Residency as a Requirement for the Receipt of State Student Aid	6A-20.003
Florida Resident Access Grants	6A-20.007
Critical Teacher Shortage Tuition Reimbursement Program	6A-20.012
Critical Teacher Shortage Student Loan Forgiveness Program	6A-20.013
Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships	6A-20.019
Seminole and Miccosukee Indian Scholarships	6A-20.020
Jose Marti Scholarship Challenge Grant Fund	6A-20.023
Grants for Teachers for Special Training in Exceptional Student Education	6A-20.025
Rosewood Family Scholarship Fund	6A-20.027
Mary McLeod Bethune Scholarship Program and Trust Fund	6A-20.029
Florida Public Student Assistance Grant	6A-20.031
Florida Private Student Assistance Grant	6A-20.032
Florida Postsecondary Student Assistance Grant	6A-20.033

Right to Appeal	6A-20.0371
Florida Work Experience Program	6A-20.038
Florida Teacher Scholarship and Forgivable Loan Program	6A-20.039
Occupational Therapist or Physical Therapist Tuition Reimbursement Program	6A-20.040
Occupational Therapist or Physical Therapist Student Loan Forgiveness Program	6A-20.041
Occupational Therapist or Physical Therapist Scholarship Loan Program	6A-20.042
Criteria for Documentation of Disability	6A-20.111

PURPOSE AND EFFECT: The rules listed above are to be revised in order to update administrative procedures and forms based upon the decentralization of the Florida Student Assistance Grant programs and the creation of the State Student Financial Aid database. References and eligibility requirements will also be reviewed to ensure accuracy. The effect of the rule amendments will be rules which reflect updated administrative procedures and newly revised forms relating to these student financial assistance programs.

SUBJECT AREA TO BE ADDRESSED: Procedures for administration of state-funded student financial assistance programs.

SPECIFIC AUTHORITY: 231.62(1), 231.621(4), 240.1201(11), 240.4042, 240.405(5), 240.4063(1), 240.4064(2), 240.409(1), 240.409(6), 240.4095(6), 240.4097(1), 240.412(1), 240.4125(10), 240.4126(2), 240.413(1), 240.437(4), 240.465(7), 240.605(2), 240.606(7), 240.6063(1), 240.6072(3), 240.6074(4), 295.01(3) FS.

LAW IMPLEMENTED: 231.62, 231.621, 240.1201, 240.4042, 240.405, 240.4063, 240.4064, 240.409, 240.4095, 240.4097, 240.412, 240.4125, 240.4126, 240.413, 240.437, 240.465(7), 240.605, 240.606, 240.6063, 240.6072, 240.6074(4), 295.01(3) FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janie Westberry, Bureau Chief, Office of Student Financial Assistance, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)410-5200

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Public Use Forms	12A-1.097
Enterprise Zone and Florida Neighborhood Revitalization Programs	12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), is to: (1) implement s. 2, Chapter 2000-201, L.O.F., which extends the community contribution tax credit provisions of the enterprise zone program to the state sales tax, and revises provisions for building materials and business property used in an enterprise zone; (2) implement s. 3, Chapter 2001-201, L.O.F., which revises the enterprise zone jobs credit against sales tax for employees hired after October 1, 2001; and (3) change the requirement to file an Application for Refund-Sales and Use Tax (form DR-26S) for those programs previously requiring form DR-26.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt the changes to forms currently used, and newly created forms, to administer the Florida Enterprise Zone and Neighborhood Revitalization Programs.

The effect of the amendments will be to provide current guidelines for the enterprise zone and Florida neighborhood revitalization programs.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed revisions to guidelines for the community contribution tax credit against sales tax and the enterprise zone jobs credit programs, as amended by Chapter 2000-201, L.O.F.; and (2) the adoption of new forms and changes to forms currently used by the Department in the administration of the jobs credits against sales tax.

SPECIFIC AUTHORITY: 212.08(5)(g)6.,(h)6.,(n)4.,(o)4.,(15)(e), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(g),(h),(n),(o),(q),(15), 212.096, 212.15(2), 212.17(6), 212.18(2),(3) FS.

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

TIME AND DATE: 2:00 p.m., December 18, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (6)(e) No change.

(f) DR-15JZ	Florida Enterprise Zone Jobs Credit Certificate of Eligibility Sales Tax Effective July 1, 1996 (r. <del>04/01</del> )	___ <del>06/01</del>
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(g) through (j) No change.

(k) DR-15ZC	<u>Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2002 (R. 01/02)</u>	___
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(l) DR-15ZCN	<u>Instructions for Completing the Sales and Use Tax Return, Form DR-15, when taking the Enterprise Zone Jobs Tax Credit under the New Law (R. 01/02)</u>	___
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(m) <del>(k)</del> EZ-E	Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application For Eligibility (r. <del>06/00</del> )	___ <del>06/01</del>
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(n) <del>(l)</del> EZ-M	Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (r. <del>06/00</del> )	___ <del>06/01</del>
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(7) No change.

(8) DR-26RP	Florida Neighborhood Revitalization Program (r. <del>04/01</del> )	___ <del>06/01</del>
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(9) through (20) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g),(h),(n),(o),(q)(15), 212.096, 212.17(6), 212.18(2),(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-14-01, \_\_\_\_\_.

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs.

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit.

1. For employees hired on or before October 1, 2001, an application that includes the information required by s. 212.096(3)(a)-(f), F.S., prior to July 1, 2001, must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15JZ, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Sales Tax-Effective July 1, 1996 (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose.

2. For employees hired after October 1, 2001, an application that includes the information required by s. 212.096(3)(a)-(g), F.S., effective July 1, 2001, must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15ZC, Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2002 (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax for employees hired on or before October 1, 2001, must use form DR-15JZ to apply for, calculate, and claim the credit with the Department of Revenue. Taxpayers claiming the enterprise zone jobs credit against sales and use tax for employees hired after October 1, 2001, must use form DR-15ZC to apply for, calculate, and claim the credit the Department of Revenue. Form DR-15JZ and form DR-15ZC must be certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or postmarked ~~post-marked~~, within six ~~four~~ months after the new employee is hired.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(g)1., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the building materials are used, to claim a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone. Form EZ-M, Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C), is prescribed by the Department for this purpose. For the applicant to be eligible to receive a refund, the Enterprise Zone

Coordinator for the enterprise zone where the building materials are used must certify, using form EZ-M, that the applicant meets the criteria provided in s. 212.08(5)(g), F.S. The Enterprise Zone Coordinator will certify form EZ-M, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-M and the required attachments to form DR-26S and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) and form EZ-M with the Department of Revenue. Form DR-26S must be attached to form EZ-M and its attachments, and the package must be delivered directly to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or within 90 days after the rehabilitated property is first subject to assessment. The completed form DR-26S, the certified form EZ-M, and the required attachment, should be mailed to:

Florida Department of Revenue  
Refund Subprocess  
P. O. Box 6490  
Tallahassee, Florida 32314-6490.

#### (3) BUSINESS EQUIPMENT USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(h)2., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to obtain a refund of tax paid on business property used in an enterprise zone. Form EZ-E, Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application for Eligibility (incorporated by reference in Rule 12A-1.097, F.A.C.), is prescribed by the Department for this purpose. For an applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the business property is used must certify, using form EZ-E, that the applicant meets the criteria set forth in s. 212.08(5)(h), F.S. The Enterprise Zone Coordinator will certify form EZ-E, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-E, and the required attachments, to form DR-26S and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (form DR-26S) and form EZ-E with the Department of Revenue. The applicant is responsible for submitting an Application for Refund-Sales and Use Tax (form DR-26S), the completed and certified form EZ-E, and the required attachments to the Department of Revenue. Form DR-26S must be attached to form EZ-E and attachments and delivered directly to the

Department, or postmarked, within 6 months after the tax is due on the business property that was is purchased. The completed form DR-26S, the certified form EZ-E, and the required supporting documentation should be mailed to:

Florida Department of Revenue  
Refund Subprocess  
P. O. Box 6490  
Tallahassee, Florida 32314-6490.

#### (4) COMMUNITY CONTRIBUTION TAX CREDIT FOR DONATIONS.

(a) Who May Claim the Credit. Any taxpayer that has received prior approval from the Office of Tourism, Trade, and Economic Development for a community contribution to any revitalization project undertaken by an eligible sponsor will be allowed a credit of 50 percent of the value of the contribution. The total annual credit under this subsection, applied against the tax due under Chapter 212, F.S., for a taxable year, is limited to \$200,000. Taxpayers who elect to claim the credit against sales and use tax are ineligible to claim the credit against corporate income tax or insurance premium tax.

##### (b) Valuation of the Credit.

1. The valuation of the contribution determined by the Office of Tourism, Trade, and Economic Development will be used in the computation of the credit.

2. A contribution of more than \$400,000 may be made in a tax year. However, the credit received for any contribution may not exceed the \$200,000 annual credit limitation.

(c) When to Claim the Credit. The credit must be claimed as a refund of sales and use tax reported on returns and remitted to the Department within the 12 months preceding the date of the application for refund. If a taxpayer is unable to fully utilize the amount of credit granted in a year due to insufficient tax payments during the 12-month period preceding the granting of the credit, the unused amount may be carried forward for a period not to exceed 3 years and may be included in an application for refund filed during those years.

(d) Forms Required. Taxpayers claiming the credit must file an Application for Refund-Sales and Use Tax (form DR-26S) with a copy of the letter issued to the taxpayer by the Office of Tourism, Trade, and Economic Development authorizing the taxpayer to claim the credit. The applicant is responsible for submitting an Application for Refund-Sales and Use Tax (form DR-26S) and a copy of the authorization letter from the Office of Tourism, Trade, and Economic Development to the Department of Revenue. Only one application may be submitted in a 12-month period. The completed form DR-26S and a copy of the authorization letter should be mailed to:

Department of Revenue  
Refund Subprocess  
P. O. Box 6490  
Tallahassee, Florida 32314-6490.

(5)(4) No change.

(6)(5) BUILDING MATERIALS AND LABOR FOR CONSTRUCTION OF SINGLE-FAMILY HOMES IN AN ENTERPRISE ZONE, EMPOWERMENT ZONE, OR FRONT PORCH FLORIDA COMMUNITY.

(a) No change.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (form DR-26S) with the Department of Revenue. Form DR-26RP, signed by the Enterprise Zone Coordinator or the Chair of the Front Porch Community, and all the documentation listed on form DR-26RP, must be attached and forwarded to the Department. Form DR-26S, form DR-26RP, and the required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the single-family home is deemed to be substantially completed by the local building inspector. Form DR-26S, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

(7)(6) BUILDING MATERIALS USED IN REDEVELOPMENT PROJECTS.

(a) No change.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (form DR-26S) with the Department of Revenue. Form DR-26RP, signed by the contact person, and all the documentation listed on form DR-26RP, must be submitted to the Department. Form DR-26S, form DR-26RP, and required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the housing project or mixed-use project is deemed to be substantially completed by the local building inspector. Form DR-26S, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490.

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

Specific Authority 212.08(5)(g)6.,(h)6.,(n)4.,(o)4.,(15)(e), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.15(2), 212.17(6), 212.18(2) FS. History--New 1-3-96, Amended 6-19-01,\_\_\_\_\_.

DEPARTMENT OF REVENUE

Miscellaneous Tax

Table with 2 columns: RULE TITLES: and RULE NOS.:. Rows include Premium Tax; Rate and Computation (12B-8.001) and Tax Statement; Overpayments (12B-8.003).

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to implement s. 32, Chapter 2000-201, L.O.F., which amends the provisions of s. 624.5105, F.S., regarding the community contribution tax credit against the insurance premium tax. The effect of the amendments will be to remove the requirement to provide with the applicable return a schedule of the computation of carryover of the credit.

The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), adopt the changes to forms used by the Department in the administration of the insurance premium tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the rule changes necessary to implement the changes to s. 624.5105, F.S., as amended by s. 32, Chapter 2000-201, L.O.F.; and (2) the adoption of form changes and new forms used by the Department in the administration of the insurance premium tax.

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 624.4621, 624.475, 624.509, 624.5091, 624.5092, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

TIME AND DATE: 2:00 p.m., December 18, 2001

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) through (2) No change.

(3) Credits Against the Tax.

(a) through (c) No change.

(d) Community Contribution Tax Credit.

1. through 2. No change.

3. Carryovers of Community Contribution Tax Credit.

a. If a credit granted in a tax year exceeds the tax liability for that year, the unused credit may be carried forward for a period not to exceed 5 years.

b. The community contribution tax credit carryover, which is created in a given year because of an annual contribution, may not exceed the annual \$200,000 credit limitation. However, the total carryover for all years may be greater than \$200,000.

~~e. If applicable, a schedule of the computation of any carryover of the credit, as prescribed by s. 220.183(3)(c), F.S., shall be included with the return.~~

4. through 5. No change.

(4) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule. The Department prescribes Form DR-907, Florida Department of Revenue Insurance Premium Installment Payment, dated January 2001, and Form DR-908, Florida Department of Revenue Insurance Premium Taxes and Fees Tax Return, dated January 2001, and accompanying instructions as the forms to be used for the purpose of this chapter and hereby incorporates these forms by reference.

(2) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Department of Revenue Insurance Premium Installment Payment (R. 01/02)	_____
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/02)	_____

(6)(a) DR-908	Insurance Premium Taxes and Fees Return Calendar Year-2001 – Due March 1, 2002 (R. 01/02)	_____
(b) DR-908N	Florida Department of Revenue DR-908 Instructions (R. 01/02)	_____
(7) DR-350900	2001 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/02)	_____

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, \_\_\_\_\_.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES:	RULE NOS.:
Definitions	12C-1.003
Adjusted Federal Income Defined	12C-1.013
Property Factor for Apportionment	12C-1.0153
Sales Factor for Apportionment	12C-1.0155
Business/Nonbusiness Income – Definitions and Examples	12C-1.016
Federal Returns	12C-1.023
Special Rules Relating to Estimated Tax	12C-1.034

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.003, (Definitions), F.A.C., is to clarify the definition of the term “gross profits” and to remove the definition of the term “business income” that will be provided in Rule 12C-1.016, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), is to properly reflect the application of net operating losses when an alternative minimum tax is due.

The purpose of the proposed amendments to Rule 12C-1.0153, F.A.C. (Property Factor for Apportionment), is to provide a definition for the term “unsecured loans.”

The purpose of the proposed amendments to Rule 12C-1.0155, F.A.C. (Sales Factor for Apportionment), is to provided that interest received from loans made to customers located in Florida, other than interest from loans secured by real or tangible personal property located outside Florida, is included in the numerator of the sales factor for apportionment.

The purpose of the proposed amendments to Rule 12C-1.016, F.A.C., is to change the title to “Business/Nonbusiness Income-Definitions and Examples” and to provide a definition and examples of the term “business income.”

The purpose of the proposed amendments to Rule 12C-1.023, F.A.C. (Federal Returns), is to clarify when an amended return is due when a taxpayer has a federal audit, and to properly



reflect the dates from which interest is computed when a taxpayer is required to amend a return as the result of a federal audit.

The purpose of the proposed amendments to Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax), is to clarify to which installment a payment of estimated tax, made between installment due dates, applies and to properly reflect the interest rates imposed on late payments.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the proposed changes to Rules 12C-1.003, 12C-1.013, 12C-1.0153, 12C-1.0155, 12C-1.016, 12C-1.023, and 12C-1.034, F.A.C., that clarify, explain, or define terms and concepts regarding the imposition of the corporate income tax.

**SPECIFIC AUTHORITY:** 213.06(1), 220.51 FS.

**LAW IMPLEMENTED:** 213.05, 213.21, 220.02(3), 220.03, 220.13, 220.131, 220.15, 220.152, 220.16, 220.22, 220.23, 220.24, 220.241, 220.33, 220.34, 220.43(1), (3), 220.44, 220.63, 220.64, 220.801, 220.809, 221.02, 221.04 FS.

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

**TIME AND DATE:** 2:00 p.m., December 18, 2001  
**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12C-1.003 Definitions.

Any term used in these rules shall have the meaning which is ascribed to it in Chapter 220, F.S., unless a clearly different meaning is indicated from the context in which the term is used. For the purposes of these rules:

(1) through (3) No change.

~~(4) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. In essence, all income which arises from the conduct of trade or business operations of a taxpayer is business income. The income of a taxpayer is business income unless clearly classifiable as nonbusiness income. Cross Reference: Rule 12C-1.016, F.A.C.~~

~~(4)(5) No change.~~

(5) "Gross profits," as the term is used in subparagraph 220.15(5)(c)2., F.S., and Rule 12C-1.0155(3)(c), F.A.C., means the selling price of a security reduced by the amount of its tax basis as determined for federal income tax purposes.

(6) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.03, 220.13, 220.15, 220.16, 220.22, 220.63, 220.64 FS. History--New 10-20-72, Amended 10-8-74, 8-4-75, 9-6-76, 4-11-77, 12-18-83, Formerly 12C-1.03, Amended 12-21-88, 4-8-92, 5-17-94, \_\_\_\_\_.

12C-1.013 Adjusted Federal Income Defined.

(1) through (13) No change.

(14) Net Operating Losses.

(a) through (m) No change.

(n) With respect to Florida's AMT, the Florida Income Tax Code does not create a separate NOL for AMT purposes. Therefore, any amount of a NOL carryover that is allowed to be subtracted in calculating Florida regular tax due, will be subtracted in calculating Florida AMT tax due, and whether regular tax or AMT, will reduce the amount of NOL carryover available. ~~Paragraph 220.13(1)(d), F.S., provides that no deduction for NOLs will be allowed in a tax year if in a prior tax year the losses have been allowed for Florida tax purposes, notwithstanding the fact that such deduction may not have been fully utilized for federal tax purposes.~~

Example: A taxpayer calculates the 1991 tax liability as follows:

	<u>Regular tax</u>	<u>AMT</u>
Tentative apportioned		
adjusted federal income	\$1,500,000	\$2,500,000
NOL carryforward available	<u>(2,000,000)</u>	<u>(2,000,000)</u>
Adjusted federal income		
apportioned to Florida	\$( 500,000)	\$ 500,000

The taxpayer would ~~not have any (\$500,000)~~ NOL carryover available for use in subsequent years, since only \$1,500,000 of the \$2,000,000 of NOL carryover into the 1991 tax year was applied against the regular tax already allowed for Florida tax purposes against the 1991 alternative minimum taxable income. The 1991 AMT tax and the AMT credit available to future tax years is based on \$1,000,000 AMT income

(\$2,500,000 tentative apportioned adjusted federal AMT income – \$1,500,000 NOL carryforward, which is limited to the amount of NOL carryforward applied toward Florida regular tax).

- (o) No change.
- (15) through (20) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1),(3) FS. History–New 10-20-72, Amended 1-19-73, 10-20-73, 10-8-74, 4-21-75, 5-10-78, 11-13-78, 12-18-83, Formerly 12C-1.13, Amended 12-21-88, 12-7-92, 5-17-94, 10-19-94, 3-18-96, 10-2-01,\_\_\_\_\_.

- 12C-1.0153 Property Factor for Apportionment.
- (1) through (10)(b) No change.

(c) Unsecured Loans. Unsecured Loans, or loans secured by intangible property, when the loan is made to a customer domiciled in this state, will have Florida situs. Additionally, unsecured loans, or loans secured by intangible property, made to non-Florida customers will be considered in this state if the customers subsequently become domiciled in Florida.

- (11) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.15, 220.152, 220.44 FS. History–New 5-17-94, Amended 3-18-96,\_\_\_\_\_.

- 12C-1.0155 Sales Factor for Apportionment.
- (1) through (2) No change.
- (3) Sales factor for financial organizations.
- (a) through (c) No change.

(d) Interest on loans is included in the sales factor. Interest received from loans made to customers located in Florida within the state, other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located outside this state, is included in the numerator of the factor.

- (e) through (f) No change.
- (4) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.15, 220.44 FS. History–New 5-17-94, Amended 3-18-96, 10-2-01,\_\_\_\_\_.

12C-1.016 Business/Nonbusiness Income – Definitions and Examples.

Any term used in these rules shall have the meaning that is ascribed to it in Chapter 220, F.S., unless a clearly different meaning is indicated from the context in which the term is used. For the purposes of these rules:

(1) “Business income” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer’s regular trade or business operations. “Business income” also includes any amounts that could be included in apportionable net income without violating the due process clause of the United States Constitution. In essence, all income that arises from the conduct of trade or business operations of a

taxpayer is business income. For purposes of this rule, in relation to assets, “integral” refers to assets used in the taxpayer’s regular trade or business. In the case of assets composed of constituent parts, “integral” also refers to constituent parts that are formed with another part, as the main part of a complete asset, the main part of which is used in the operations of the taxpayer’s trade or business. The “net income” of a taxpayer is business income unless clearly classifiable as nonbusiness income.

(2)(+) “Nonbusiness income” means all income other than business income. For a statutory definition ~~determination~~ of nonbusiness income, see s. 220.03(1)(r), F.S. For illustrations of nonbusiness income, see the examples contained within this rule.

(3)(a) The classification of income by the labels ~~occasionally used~~, such as manufacturing income, compensation for services, sales income, interest, dividends, rents, royalties, capital gains, operating income, or nonoperating income, etc., is of no import in determining whether income is business or nonbusiness income. Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of a trade or business. A taxpayer may have more than one trade or business. Accordingly, the critical element in determining whether income is “business income” or “nonbusiness income” is the identification of the transactions and activity ~~that which~~ are the elements of a particular trade or business. In general, all transactions and activity ~~that which~~ are dependent upon or contribute to the operations of the taxpayer’s economic enterprise connected to Florida as a whole constitute the taxpayer’s trade or business and will be transactions and activity arising in the regular course of, ~~and will constitute integral parts of,~~ a trade or business.

(b) A taxpayer should classify net income as business or nonbusiness income on a consistent basis. If a taxpayer is not consistent, it should disclose on its Florida return the nature, reason, amount, and extent of the inconsistency.

(c) Nonbusiness income is not subject to apportionment, but is allocated as provided in s. 220.16, F.S. A taxpayer must also disclose and exclude expenses allocable to such nonbusiness activities. Any property, payroll, or sales denominated as unrelated business activities are excluded from a taxpayer’s apportionment factors. See *Hunt-Wesson, Inc. v. Franchise Tax Board of California*, 528 U.S. 458 (2000).

(d) The United States Supreme Court has applied the due process clause of the United States Constitution on a case-by-case basis to the determination of those amounts that could be included in apportionable income, as well as determining other principles of business/nonbusiness income. See *Mobil Oil Co. v. Commissioner of Taxes of Vermont*, 445 U.S. 425 (1980); *Exxon Corp. v. Wisconsin Dept. of Revenue*, 447 U.S. 207 (1980); *ASARCO Inc. v. Idaho State Tax Commission*, 458 U.S. 307 (1982); *F.W. Woolworth Co. v.*

Taxation and Revenue Dept. of N.M., 458 U.S. 354 (1982); Container Corp. of America v. Franchise Tax Board, 463 U.S. 159 (1983); and Allied Signal, Inc. vs. Director, Division of Taxation, 504 U.S. 768 (1992). Any amounts that could be included in apportionable income without violating the due process clause of the United States Constitution and the above-referenced cases, is business income. Taxpayers that claim a subtraction for nonbusiness income bear the burden of proof in establishing that they may claim that subtraction.

(e) The determination of whether income is business or nonbusiness, or whether enterprises are unitary or nonunitary is not affected by the form of ownership (for example, whether a division, a controlled interest, or a subsidiary). See Mobil Oil v. Commissioner of Taxes of Vermont, 445 U.S. 425, 441-442 (1980).

(f) Examples. The examples below illustrate the provisions of this rule relating to whether particular income is business or nonbusiness income. The examples used are illustrative only and do not purport to set forth all pertinent facts used in the determination of whether particular income is business or nonbusiness income.

1. Rents from real and tangible personal property. Rental income from real and tangible property is business income if the property with respect to which the rental income was received is used in the taxpayer's trade or business or is a constituent part of such trade or business incidental thereto. Therefore, such rental income and therefore is includible in the property factor.

a. through b. No change.

c. Example: The taxpayer operates a multistate chain of men's clothing stores. The taxpayer purchases a five-story office building for use in connection with its trade or business. It uses the street floor as one of its retail stores and the second and third floors for its general corporate headquarters. The remaining two floors are leased to others. The rental of the two floors is rental of a constituent part of an asset, the main part of which is used in incidental to the operation of the taxpayer's trade or business. The rental income is business income.

d. through e. No change.

f. Example: The taxpayer operates a multistate chain of grocery stores. It purchases, as an investment, an office building in another state with surplus funds and leases the entire building to others. The net rental income is not business income of the grocery store trade or business. Therefore, the net rental income is nonbusiness income.

2. Gains or losses from sales of assets. Gain or loss from the sale, exchange, or other disposition of real or tangible or intangible personal property constitutes business income if the property while owned by the taxpayer was used in the taxpayer's trade or business, or was otherwise included in the property factor of the taxpayer's trade or business.

a. through d. No change.

e. Example: The taxpayer operated a business as a corporate division for a number of years. No part of the activities of this corporate division was conducted in this state, although the taxpayer conducted other activities in this state. The taxpayer later sells all of the assets of the corporate division, no part of whose activities were ever conducted in this state. If the business of the sold division was a part of the same unitary business conducted in this state or if the taxpayer's ownership of the division furthered the unitary business being conducted in this state beyond simply adding to the wealth of the corporate enterprise, then the income derived from the sale of the division is business income.

f. Example: The taxpayer operated a business as a subsidiary or through ownership of a controlling interest in the business for a number of years. No part of the activities of this subsidiary or controlled interest is conducted in this state, although the taxpayer conducted other activities in this state. The taxpayer later sells all of its stock in the subsidiary or controlled interest, no part of whose activities were ever conducted in this state. If the business of the sold subsidiary or controlled interest was a part of the same unitary business conducted in this state by the taxpayer or if the taxpayer's ownership of the subsidiary or controlled interest furthered the unitary business being conducted in this state by the taxpayer beyond simply adding to the wealth of the corporate enterprise, then the income derived by taxpayer from the sale of the subsidiary or controlled interest is business income.

3. Interest. Interest income is business income where the intangible with respect to which the interest was received arises out of or was created in the regular course of the taxpayer's trade or business operations or where the purpose for acquiring and holding the intangible is related to or incidental to such trade or business operations.

a. through e. No change.

f. Example: In January, the taxpayer concluded a transaction in which it generates a cash fund of \$20,000,000. The funds generated are placed in a segregated interest-bearing account pending a decision by management as to how the funds are to be utilized. For the next six months, management has under consideration the alternative possibilities of investing the proceeds in the existing unitary business or distributing the proceeds to the shareholders as a dividend. Until the final determination was made to distribute to the shareholders as a dividend, the fund was available for the operation of the taxpayer's existing unitary business. The interest income earned is business income during the period the fund is available for the operation of the taxpayer's existing unitary business.

4. Dividends. Dividends are business income where the stock with respect to which the dividends are received arises out of or was acquired in the regular course of the taxpayer's trade or business operations or where the purpose for acquiring

and holding the stock is a functional, necessary, or operative component to the taxpayer's related to or incidental to such trade or business operations.

a. No change.

b. Example: The taxpayer is engaged in a multistate manufacturing and wholesaling business. In connection with that business, the taxpayer maintains special accounts to cover such items as workmen's compensation claims, etc. ~~A portion of the moneys in those accounts is invested in interest-bearing bonds.~~ The account monies are remainder is invested in various common stocks listed on national stock exchanges. Any ~~Both the interest income and any~~ dividends are business income.

c. through e. No change.

f. Example: The taxpayer is engaged in a multistate glass manufacturing business. It also holds a portfolio of stock ~~and interest-bearing securities~~, the acquisition and holding of which fulfill no operational purpose for ~~are unrelated to~~ the manufacturing business. The dividends ~~and interest income~~ received are nonbusiness income.

g.(I) Example: Corporation A owns 85% of the outstanding voting stock in each of two corporations, B and C. Corporation B, in turn, owns 100% of the outstanding voting stock in Corporation D. Corporation A is primarily engaged in operating office supply retail stores selling to individual consumers in Florida and other southeastern states. Corporation B operates a chain of retail stores in the Midwest states, primarily Texas, Oklahoma, Kansas, and Missouri. Corporation B's stores sell only to large corporate customers [over \$50 billion in assets, and over \$1 billion in sales] such office products as executive desks, conference tables, high priced copy machines, computers, and other office furniture and equipment. No sales are made of paper, writing instruments, or other basic clerical products. Corporation C is a finance company, handling all of the consumer credit and financing arrangements of purchases at the retail stores owned by Corporations A and B, and the financing of the purchase of goods by Corporation D. Corporation D is the purchasing agent for Corporations A and B and maintains warehouses for the various stores' inventories both in the southeastern and Midwestern states. Corporation A sets major policy guidelines and maintains overall control of the other corporations' budgetary and financial affairs.

(II) In 2001, Corporation A, the parent company, sells 70% of its outstanding voting stock of Corporation C to various banking and finance organizations. Pursuant to a shareholder's agreement, the vice-president of finance for Corporation A will be the president of Corporation C and will appoint all of the officers of Corporation C. Under a separate operating agreement, Corporation A and its affiliated corporate members were obligated to transact all of its consumer credit

and purchase financing through Corporation C. Additionally, Corporation C agrees to never conduct more than 10% of its financial operations to any customer other than Corporation A and its affiliated members, and any loans made to a retail establishment had to meet the approval of Corporation A. Although Corporation A, owning only 15% of the common shares of Corporation C, did not have substantial representation on the board of directors of Corporation C, Corporation A through Corporation C's by-laws has veto power over major corporate acts, including adoption of budgets, long-range plans and objectives, disposition of capital assets, declaration of dividends, and the formation, acquisition, liquidation or disposition of subsidiaries.

(III) Due to the lack of common stock ownership of Corporation C, Corporation A does not have the requisite centralized management necessary for a unitary relationship between Corporation A and Corporation C. Additionally, there appears to be a lack of functional integration between most of the operations of Corporation C and Corporation A, which is another requirement for the finding of a unitary relationship. Accordingly, a unitary relationship does not exist between these entities; however, the operations of Corporations C and A are integrally related to one another as a result of the large presence of intercompany transactions and strong control of managerial operations, to make the common stock ownership an integral operational asset and not a discrete stock investment. Any dividends or capital gains from Corporation A's common stock investment in Corporation C constitute functional dividends and capital gains and represent apportionable business income under the Due Process Clause of the U.S. Constitution.

5. Patent, trademark, and copyright royalties. Patent, trademark, and copyright royalties are business income where the patent or trademark or copyright with respect to which the royalties were received arises out of or was created in the regular course of the taxpayer's trade or business operations or where the purpose for acquiring and holding the patent or trademark or copyright is related to ~~or incidental to~~ such trade or business operations.

a. through b. No change.

c. Example: Same as Example b., except that the acquired company also held the patent on a method of producing digital audio recordings type of phonograph needle. The taxpayer does not manufacture or sell digital audio recordings phonographs or phonograph equipment. Any royalties received on the patent would be nonbusiness income.

(2) Nonbusiness income is not subject to apportionment, but is allocated as provided in s. 220.16, F.S.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.05, 220.03(1)(r), 220.16 FS. History—New 12-21-88, Amended 3-18-96, \_\_\_\_\_.

12C-1.023 Federal Returns.

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

(c) Amounts paid solely for the purpose of satisfying a jurisdictional requirement for contesting an assessment in court will ~~not~~ be deemed to have been "paid" for purposes of this subsection.

(d) When some federal audit adjustments are agreed to and some are contested, the taxpayer must file an amended return reflecting the changes for which there is agreement within 60 days from that agreement or from when the additional tax is paid, whichever occurs first. Additional amended returns for the items in dispute will be required if the taxpayer subsequently agrees to the changes or pays the tax, or the assessment of those items becomes final.

(6) If the amended return concedes the accuracy of a federal change or correction, any deficiency in Florida corporate income, franchise, or emergency excise tax is deemed assessed on the date of filing the amended return. No penalty or interest will be assessed if the amended return is filed not later than ~~60 days after~~ the date notification is required by s. 220.23(2)(a)3., F.S., and subsection (5) of this rule. ~~However, interest will be due on any deficiency from the original due date of the return through the date of payment.~~

(7) If a required amended return is filed later than 60 days after the date specified in paragraph (5)(a) of this rule, the taxpayer will be subject to the failure to file penalty, pursuant to s. 220.801, F.S., regardless of whether additional tax is due. Interest will be due on any deficiency from the 61st day after the date specified in paragraph (5)(a) of this rule ~~original date of the return~~ through the date of payment.

(8) through (9) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.23, 220.801, 220.809 FS. History—New 5-17-94, Amended \_\_\_\_\_.

12C-1.034 Special Rules Relating to Estimated Tax.

(1) through (8) No change.

(9) Underpayment of estimated tax.

(a) through (f) No change.

(g) Period of underpayment.

1. through 2.a. No change.

b.(I) If a payment is made between installment dates, it will be applied to the earliest last installment due, to the extent of any deficiency in payments. However, penalty and interest will apply from the original due date of the installment until the date paid.

(II) through (III) No change.

(h) No change.

(i) The taxpayer is liable, ~~per s. 220.34(2)(a), F.S.,~~ for interest at the rate determined under s. 220.807, F.S., ~~of 12 percent per annum~~ upon the amount of any underpayment of estimated tax. The taxpayer is also liable, per s. 220.34(2)(a), F.S., for penalty at the rate of 12 percent per annum upon the amount of any underpayment of estimated tax.

(j) through (13) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 221.02, 221.04 FS. History—New 10-20-72, Amended 10-20-73, 7-27-80, 12-18-83, Formerly 12C-1.34, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96, 3-13-00, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

**RULE TITLES:**

Enterprise Zone Program Forms

**RULE NOS.:**

12C-1.0188  
12C-1.051

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program), is to implement ss. 6 and 7, Chapter 2000-201, L.O.F., which revises the computation of the enterprise zone jobs credit against the corporate income tax for employees hired after October 1, 2001.

The effect of the amendments will be to provide current guidelines for the enterprise zone jobs credit against the corporate income tax.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to: (1) adopt new forms and changes to forms used by the Department in the administration of the corporate income tax; and (2) remove the adoption of form DR-835, Power of Attorney, which will be incorporated by reference in Rule Chapter 12-6, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is: (1) the implementation of the enterprise zone jobs credit program, as amended by ss. 6 and 7, Chapter 2000-201, L.O.F.; and (2) the adoption of new forms and changes to forms currently used by the Department, effective January 1, 2002, in the administration of the corporate income tax returns.

**SPECIFIC AUTHORITY:** 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

**LAW IMPLEMENTED:** 120.55(1)(a)4., 213.05, 213.35, 220.03(1), 220.11, 220.12, 220.13(1),(2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 290.0055, 290.0065, 290.009(1) FS.

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

**TIME AND DATE:** 2:00 p.m., December 18, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1, 1(800)367-8331. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.0188 Enterprise Zone Program.

- (1) Corporate Income Tax-Enterprise Zone Jobs Credit.
  - (a) No change.

(b)1. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or before October 1, 2001, must use Form F-1157Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1157Z requires the signature of an officer, under oath, duly authorized to sign. The F-1157Z must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.

2. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired after October 1, 2001, must use Form F-1157ZX, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax-Effective January 1, 2002 (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1157ZX requires the signature of an officer, under oath, duly authorized to sign. The F-1157ZX must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.

3.2. A copy of the certified F-1157 and F-1157ZX specified in Rule 12C-1.0188(1)(a), F.A.C., above, must be forwarded to the Florida Department of Revenue, General Tax Administration, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, by the Enterprise Zone Development Agency.

- (2) through (5) No change.

Specific Authority 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS. Law Implemented 213.05, 213.35, 220.03(1), 220.131, 220.181, 220.182, 220.183, 220.44, 290.0055, 290.0065, 290.009(1) FS. History--New 1-3-96, Amended

12C-1.051 Forms.

The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Title	Effective Date
(1) No change.		
<del>(2) DR-835</del>	<del>Power of Attorney</del>	<del>(r. 01/97) 03/00</del>
<del>(2)(3) F-851</del>	<del>Affiliations Schedule</del>	<del>(r. 01/01 01/99) 03/00</del>
<del>(3)(4) F-1065</del>	<del>Florida Partnership Information Return with Instructions;</del>	<del>(r. 01/01 01/99) 03/00</del>
(4) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (r. 01/01)	
(5) F-1120A	Florida Corporate Short Form Income Tax Return (r. 01/02 01/01)	06/01
(6) F-1120A (Flats)	Florida Corporate Short Form Income Tax Return (r. <del>01/02 01/99</del> )	03/00
(7) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (r. 01/02 01/01)	06/01
(8) F-1120N	F-1120 Instructions- Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2001 2000 (r. 01/02 01/01)	06/01
(9) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/ or Emergency Excise Tax for Taxable Year beginning on or after January 1, 2001 2000 (Installment 1, 2, 3, 4) (r. 01/02 01/01)	06/01
(10) No change.		
(11) F-1120P	Payment Coupon (r. 01/02 01/01)	06/01

<p>(12) F-1120X Amended Florida Corporate Income/ Franchise and Emergency Excise Tax Return (r. <u>01/02 01/01</u>) _____ <u>06/01</u></p> <p>(13) <del>Form</del> F-1122 Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return (r. <u>01/01 01/99</u>) _____ <u>03/00</u></p> <p>(14) through (16) No change.</p> <p>(17) F-1157Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (r. <u>01/02 01/01</u>) _____ <u>06/01</u></p> <p><u>(18) F-1157XX</u> <u>Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (r. 01/02)</u> _____</p> <p><u>(19)</u><del>(18)</del> F-1158 Enterprise Zone Property Tax Credit (r. <u>01/00 07/98</u>) _____ <u>03/00</u></p> <p><u>(20) F-1158N</u> <u>Instructions for Form F-1158 Enterprise Zone Property Tax Credit (R. 01/00)</u> _____</p> <p><u>(21)</u><del>(19)</del> F-1158Z Enterprise Zone Property Tax Credit, Effective July 1, 1995 (r. <u>01/00 07/98</u>) _____ <u>03/00</u></p> <p><u>(22) F-1158ZN</u> <u>Instructions for Form F-1158Z (Effective July 1, 1995) Enterprise Zone Property Tax Credit (R. 01/00)</u> _____</p> <p><u>(23)</u><del>(20)</del> F-1159 Application for Child Care Tax Credits (r. <u>01/02 N. 12/98</u>) _____ <u>03/00</u></p> <p><u>(24) F-1160</u> <u>Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship-Funding Organizations (N. 01/02)</u> _____</p>	<p><u>(25)</u><del>(21)</del> F-2220 Underpayment of Estimated Tax on Florida Corporate Income, Franchise and Emergency Excise Tax (r. <u>01/02 01/99</u>) _____ <u>03/00</u></p> <p><u>(26)</u><del>(22)</del> F-7004 Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (r. <u>01/02 01/01</u>) _____ <u>06/01</u></p>	<p>Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<a href="http://myflorida.com">http://myflorida.com</a> <del>sun6.dms.state.fl.us/dor/</del>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.</p> <p>Specific Authority 213.06(1), 220.51 FS. Law Implemented 120.55(1)(a)4., 220.11, 220.12, 220.13(1),(2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, _____.</p> <p><b>DEPARTMENT OF CORRECTIONS</b></p> <p>RULE TITLE: Employee Grooming, Uniform and Clothing Requirements                  RULE NO.: 33-208.101                  PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's dress requirements.                  SUBJECT AREA TO BE ADDRESSED: Employee dress code.                  SPECIFIC AUTHORITY: 944.09 FS.                  LAW IMPLEMENTED: 20.315, 944.09 FS.                  IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.</p>
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees:

(a) through (e) No change.

(f) Policies regarding the wearing of neck ties for office staff will be determined by the Secretary, Deputy Secretary and Office Directors ~~Assistant Secretaries, regional directors, circuit administrators and wardens.~~

(g) through (k) No change.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) through (c) No change.

(d) Non-security staff shall be permitted to wear beards; however, beards must be neatly trimmed and groomed.

~~(e)(d) Security staff~~ The face will be clean shaven other than the wearing of an acceptable mustache or sideburns; however, security staff shall be permitted to wear a neatly trimmed 1/4 inch beard for medical or religious reasons to the extent that it is not inconsistent with the state's interest in safety, security, esprit de corps, or uniformity. Requests for security staff to wear facial hair shall be submitted in writing to the Director of Institutions and shall be considered on a case-by case basis based upon the above criteria. Beards and goatees are prohibited.

~~(f)(e) The only exception to the shaving policy shall be based on medical need. Any security staff employee who requests to wear facial hair cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a dermatologist or other skin specialist stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate Assistant Secretary or Deputy Secretary. The Deputy Secretary or Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent~~

~~exemption will be approved by the regional director, assistant secretary, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

(3) The following are conditions and requirements for wearing department uniforms:

(a) through (b) No change.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. Class B and C uniforms will be neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee. The department shall be responsible for the cleaning of the class E ~~or~~ (battle dress utility) uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, but the cleaning shall not be performed at the institution. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to another institution of the department. Prior to the transfer, the transferring employee must update his or her Individual Clothing Record, Form DC2-816, submit a list of department issued clothing in his possession and must make restitution for any lost or missing clothing which was issued prior to transfer.



Form DC2-817, Authorization for Uniform Replacement, shall be used by officers requesting replacement of worn or otherwise unserviceable uniforms. Forms DC2-816 and DC2-817 are incorporated by reference in subsection (9) of this rule. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches.

(f) Jewelry.

1. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.

2. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only).

a. Female staff shall be allowed to wear post or clip-on earrings on the earlobes only.

b. Only one pair of earrings will be worn at a time.

c. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails.

1. Fingernails will be neatly trimmed and clean with no designs.

2. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger.

3. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses.

1. Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors.

2. No neon (day glow) frames will be allowed.

3. No mirrored sunglasses will be allowed.

(i) Hair length.

1. Male correctional officers shall adhere to standards outlined in (2)(a).

2. Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt.

3. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style.

1. Hair will be clean, neat and present a groomed appearance.

2. If the hair is dyed, only natural shades will be permitted.

3. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) through (l) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform.

1. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden.

2. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

~~a.1. Brown wool blend trousers with black stripes. One pair of correctional officer class A uniform wool blend trousers will be issued to be worn for official court appearances or other authorized functions.~~

b.2. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. One shirt will be issued. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt will be worn fully buttoned at all times.

(b) Class B Uniform.

1. The correctional officer class B uniform shall consist of brown poly-cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. The class B uniform will be optional (as determined by the employee) worn for general institutional duties. ~~The class B uniform will not be worn for court appearances.~~

(c) Class C Uniform.

1. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

3. The class C uniform will be optional (as determined by the employee) for general institutional duties.

(d) Class D Uniform.

1. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant.

2. Polo type shirts may only be worn with BDU trousers.

3. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member.

4. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

5. The class D uniform will be optional (as determined by the employee) for general institutional duties.

(e) Class E Uniform.

1. ~~The correctional officer class E uniform issued by the department shall be issued only to C.E.R.T and to the Rapid Response Team (baton squads, shotgun and chemical agent teams) members which are baton squads, shotgun and chemical agent teams.~~

2. ~~The class E uniform shall consist of a brown battle dress utility pants and shirt for rapid response uniform for baton squads, shotgun and chemical agent teams and black for C.E.R.T.~~

3. The class E uniform shall be worn with military style black jump or combat boots which will be provided by the department.

4. ~~Class E~~ These uniforms are only to be worn when the teams are responding to an emergency or during training.

a. During training, the battle dress utility shirt is optional. T-shirts can be worn for training.

b. The department uniform cap shall be worn during training and other events when the helmet is not being worn.

c. The caps and T shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

d. Two sets of class E uniforms will be issued to each team member. One uniform shall be maintained with assigned equipment at all times to ensure the team member is in a constant state of readiness.

(f) Class F Uniform.

1. The class F uniform shall be issued to tracking canine officers and shall consist of:

~~a.1.~~ Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the season and surrounding terrain as determined by the warden.

~~b.2.~~ No change.

a. through e. renumbered b. I. through V. No change.

~~f. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.~~

3. through 12. renumbered c. through l. No change.

2. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

13. through 14. renumbered 3. through 4. No change.

(g) Class G Uniform. The class G uniform will be issued to narcotic K-9 handlers and shall consist of:

1. ~~Blue~~ six-pocket BDU style pants, which shall be worn bloused inside the boot.

2. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General.

3. Black nylon duty belt. Only department issued or approved items shall be worn on the belt.

4. Black military-style jump boot (Hi-tech, Rocky, Bates) provided by the department;

5. Black cut-resistant search gloves. Gloves will be full-fingered.

6. Leather badge holder.

7. Blue baseball-style cap with department insignia.

8. Narcotics K-9 handlers will be issued five pairs of pants, three long-sleeved shirts and five short-sleeved shirts.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 3. No change.

4. Western style riding hat – authorized for wear by correctional officers assigned to field labor squads when outside the secure perimeter of the correctional facility. The western style riding hat will be furnished by the department.

~~5.4.~~ No change.

~~6.5.~~ Correctional officer badges.

a. Badges shall be issued to all certified correctional officers regardless of their work location.

b. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform.

~~c. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the department of Corrections, but the law enforcement community and the State of Florida.~~

d. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections.

e. Use of the issued badges as credentials for personal purposes is prohibited.

f. Only badges issued by the department shall be used to conduct officially designated duties.

g. The badge shall be 2 1/4" × 1 15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt.

h. The badges shall be issued to certified officers upon employment and will not be provided to uncertified officers until after certification is received.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost or stolen.

j. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series.

k. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated shall return their badges to the warden of the institution the staff member is departing.

m. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory.

n. Badges will not be issued to canines.

#### 7.6. Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with class A, B, C, F, and G uniforms.

7. through 10 renumbered b. through e. No change.

11. through 13. renumbered 8. through 10. No change.

~~11.14.~~ Service Pin. The department service pin is authorized to be worn above the nameplate with class A, B, and C uniforms.

~~12.15.~~ Shift Supervisor Patch. Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt-sleeve.

#### ~~13.16.~~ Meritorious Service Pin.

a. The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with class A, B, and C uniforms.

b. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate.

c. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

#### ~~14.17.~~ Emergency Response Team (E.R.T.) Pin.

a. The E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms.

b. The E.R.T. pin shall be worn one half inch above the left shirt pocket and centered on the military crease.

#### 15. Drill Instructor Pins.

a. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease.

b. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.

~~16.18.~~ Flag Patches. Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

#### ~~17.19.~~ Gloves.

a. Glove pouches for disposable latex or vinyl gloves will be issued to all officers.

20. through 21. renumbered b. through c. No change.

#### ~~18.22.~~ Shoes and Boots.

a. Shoes shall be black, plain-toed military style.

b. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height.

c. All footwear must be capable of maintaining a high gloss.

~~19.23.~~ Belts. Belts must be black, 1 1/2 to 1 5/8 inches in width, with either a silver colored open-face metal buckle or a bronze buckle bearing the department emblem. Buckles must be approximately the same width as the belt.

#### ~~20.24.~~ Socks.

a. Socks must be black.

b. If white socks are needed for medical reasons, the employee shall be required to wear socks with a white foot and black upper part or white socks can be worn under black ones.

c. Female officers shall be allowed to wear flesh-tone stockings.

~~21.25.~~ Ponchos and Raincoats. Plain see-through ponchos or raincoats with no logos are authorized for wear.

~~22.26.~~ Maternity Uniforms. Pregnant officers will be issued maternity uniforms upon request. At least four maternity uniforms will be issued.

~~23.27.~~ Windbreakers. ~~The~~ ~~b~~ Brown department windbreaker ~~is~~ – authorized to be worn with the class B, C, D, E, F, or G uniform. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.

(i) The standard department issue of uniforms will be as follows:

1. through 6. No change.

7. One brown outer-wear coat jacket;

8. through 9. No change.

10. One brown clip-on tie.

~~(5) All staff assigned to the correctional officer class B shall wear the correctional officer uniform.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities, ~~of~~ the basic training program and extended day programs shall wear either the class C or class D uniform. The jump boots will be furnished by the department.

(b) Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats provided by the department.

(b) through (i) renumbered (c) through (j) No change.

~~(8) Correctional officers assigned to food service will be required to wear the correctional officer class B or C uniform in accordance with (4)(b) and (e) of this rule except for court and special occasions where the food service officer will be required to wear the class A uniform. Smocks will be issued and shall be worn over the uniform for protection. Smocks shall be casual cabana style, silver-tan in color, with the Department of Corrections' emblem on the left sleeve.~~

(9) through (11) renumbered (7) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE: Environmental Resource and Works  
RULE CHAPTER NO.: 40B-4

of the District Permits

RULE TITLE: Publications and Agreements Incorporated

by Reference

RULE NO.: 40B-4.1090

PURPOSE AND EFFECT: The District references the floodway as a Work of the District consistent with Chapter 373.019(23), Florida Statutes, and uses the floodway delineation shown on the Flood Insurance Rate Maps for the Aucilla, Alapaha, Santa Fe, Suwannee and Withlatchoochee Rivers. This rule amendment will help the public identify the floodway as required for development within the area.

SUBJECT AREA TO BE ADDRESSED: This change will help identify the District's reference to the floodway in Chapter 40B-4, Florida Administrative Code, as depicted by

the Flood Insurance Rate Maps published by the National Flood Insurance Program for the Federal Emergency Management Agency (FEMA).

SPECIFIC AUTHORITY: 373.083, 373.084, 373.085, 373.086 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wynn A. McDonald, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40B-4.1090 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference: Flood Insurance Rate Maps published by the National Flood Insurance Program for the Federal Emergency Management Agency (FEMA) used to establish the floodway for the Works of the District identified in Chapter 40B-4, Part III, F.A.C.

Specific Authority 373.083, 373.084, 373.085, 373.086 FS. Law Implemented 373.413, 373.416 FS. History—New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Approved Courses  
RULE NO.: 61G8-32.002

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Approved Courses.

SPECIFIC AUTHORITY: 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017 470.018 FS.

LAW IMPLEMENTED: 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry

Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases  
 RULE NO.: 61G8-32.007

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

SPECIFIC AUTHORITY: 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-50R  
 RULE CHAPTER TITLE: Drinking Water Standards, Monitoring, and Reporting  
 RULE CHAPTER NO.: 62-550

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency's Interim Enhanced Surface Water Treatment Rule (IESWTR) into the Department's drinking water rules, Chapters 62-550, 62-555, and 62-560, F.A.C. The Department is also amending the State surface water treatment rules (SWTR) by replacing certain paraphrasing of federal rules with references to federal rules, by moving surface water treatment rules from Chapter 62-555 to Chapter 62-550, F.A.C., and by amending DEP Form 62-555.900(2).

SUBJECT AREA TO BE ADDRESSED: Treatment requirements for Subpart H systems, which are public water systems using surface water or ground water under the direct influence of surface water as a source and which are subject to the requirements of 40 CFR 141, Subpart H, and Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

SPECIFIC AUTHORITY: 403.853(3), 403.861(9) FS.  
 LAW IMPLEMENTED: 403.851, 403.852(12),(13), 403.853, 403.853(1),(2),(3),(7), 403.861(16),(17), 403.8615, 403.862 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-6844

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-51R  
 RULE CHAPTER TITLE: Permitting and Construction of Public Water Systems  
 RULE CHAPTER NO.: 62-555

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency's Interim Enhanced Surface Water Treatment Rule (IESWTR) into the Department's drinking water rules, Chapters 62-550, 62-555, and 62-560, F.A.C. The Department is also amending the State surface water treatment rules (SWTR) by replacing certain paraphrasing of federal rules with references to federal rules, by moving surface water treatment rules from Chapter 62-555 to Chapter 62-550, F.A.C., and by amending DEP Form 62-555.900(2).

SUBJECT AREA TO BE ADDRESSED: Treatment requirements for Subpart H systems, which are public water systems using surface water or ground water under the direct influence of surface water as a source and which are subject to the requirements of 40 CFR 141, Subpart H, and Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

SPECIFIC AUTHORITY: 403.853(3), 403.861(9) FS.  
LAW IMPLEMENTED: 403.852(12), 403.853(1),(3) FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-6844

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-52R

RULE CHAPTER TITLE: Requirements for Water Systems That are Out of Compliance  
RULE CHAPTER NO.: 62-560

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency's Interim Enhanced Surface Water Treatment Rule (IESWTR) into the Department's drinking water rules, Chapters 62-550, 62-555, and 62-560, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Treatment requirements for Subpart H systems, which are public water systems using surface water or ground water under the direct influence of surface water as a source and which are subject to the requirements of 40 CFR 141, Subpart H, and Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

SPECIFIC AUTHORITY: 403.853(3), 403.861(8) FS.  
LAW IMPLEMENTED: 403.852(12),(13), 403.853(1),(3), 403.854(1),(2),(3) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of

Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Harmon, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-6844

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.079(1) FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter, January 18, 2002

PLACE: The Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Standards for the Use of Controlled  
SUBSTANCES FOR THE TREATMENT OF PAIN  
RULE NO.: 64B5-17.0045

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will address the standards for the use of controlled substances for the treatment of pain.

SUBJECT AREA TO BE ADDRESSED: Standards for the Use of Controlled Substances for the Treatment of Pain.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.017, 466.028(1)(p) FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter, January 18, 2002

PLACE: The Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Required Sterilization and Disinfection Procedures  
 RULE NO.: 64B5-25.003

PURPOSE AND EFFECT: The purpose of the rule amendment is to add the word "sterilants".

SUBJECT AREA TO BE ADDRESSED: Required sterilization and disinfection procedures.

SPECIFIC AUTHORITY: 456.032, 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.028(1)(a),(x), 466.041 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) At least one of the following procedures must be used in order to provide proper sterilization:

- (a) through (d) No change.
- (e) Disinfectant/sterilant. U.S. Environmental Protection Agency (EPA) approved disinfectant/sterilants or U.S. Food and Drug Administration (FDA) approved sterilant may be used but are only appropriate for sterilization when used in

appropriate dilution and for the time periods set forth in the manufacturer's recommendation and only on non-heat tolerant instruments which do not penetrate soft tissue.

(2)(a) through (10) No change.

Specific Authority 456.032, 466.004(4) FS. Law Implemented 456.032, 466.028(1)(u),(x), 466.041 FS. History—New 2-24-87, Amended 12-6-87, 10-24-88, 1-7-92, 4-5-93, Formerly 21G-25.003, Amended 11-22-93, Formerly 61F5-25.003, 59Q-25.003, Amended 10-31-01.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER TITLE: Public Assistance  
 RULE CHAPTER NO.: 65A-1  
 RULE TITLE: Food Stamp Program Definitions  
 RULE NO.: 65A-1.601

PURPOSE AND EFFECT: This rule is being amended due to changes to the Food Stamp Act of 1977, as amended, by revising and changing definitions.

SUBJECT AREA TO BE ADDRESSED: Definitions pertaining to the Food Stamp Program.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

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

TIME AND DATE: 10:00 a.m., December 21, 2001

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Blvd., Building 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Definitions  
 RULE NO.: 68A-1.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME, DATES AND PLACES: 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: General Prohibitions

RULE NO.: 68A-4.001

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with general prohibitions pertaining to wildlife and freshwater fish resources.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions pertaining to wildlife and freshwater fish resources.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME, DATES AND PLACES: 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance

RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule includes the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME, DATES AND PLACES: 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes

RULE NO.: 68A-9.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish guidelines for issuance of permits authorizing the taking or possession of freshwater fish for justifiable purposes.

SUBJECT AREA TO BE ADDRESSED: Permits for taking or possession of freshwater fish for scientific, educational, exhibition, propagation, management or other justifiable purposes such as during fishing tournaments.



SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.  
 LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.  
 A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIME, DATES AND PLACES SHOWN BELOW:

TIME, DATES AND PLACES: 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas	68A-9.004
Special-Use Permits; Short-Term Use Permits; Fees; Special-Opportunity Hunting and Fishing	68A-9.007

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise provisions for administering recreational use permits and related fees on Type I Wildlife Management Areas and to establish provisions for administering special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule includes Special-use Permits; Short-term Use Permits; Fees; Special-opportunity Hunting and Fishing; and Recreational Use Permits.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.  
 LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.  
 A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME, DATES AND PLACES: 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Methods of Taking Game; Prohibitions Taking Destructive Birds and Mammals	68A-12.002 68A-12.009

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with (1) general methods of taking game; and (2) the taking of destructive birds and mammals.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include legal means and methods of taking game birds and game mammals and regulations for taking destructive birds and mammals.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.  
 LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.  
 A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Open Season for Taking Game; Bag and Possession Limits	68A-13.001
Migratory Birds; Adoption of Federal Statutes and Regulations	68A-13.002
Hunting Regulations for Ducks, Geese, and Coots	68A-13.003
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

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**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Establishment Orders	68A-14.001

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to make reference to Commission Establishment Orders that (1) establish land as Type I or Type II wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION’S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:**

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
General Regulations Relating to Type I Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Type I Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Type I Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Type I Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Type I Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Type I Wildlife Management Areas – Northeast Region	68A-15.065

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish or revise general regulations relating to Type I Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for Type I WMAs; (3) establish or modify specific area regulations for Type I WMAs; and (4) adjust hunting season dates on Type I WMAs to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to Type I WMAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION’S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:**

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
General Regulations Relating to Type II Wildlife Management Areas	68A-16.004
Specific Regulations on Type II Wildlife Management Areas	68A-16.005

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Type II Wildlife Management Areas (WMA); (2) establish or modify specific area regulations for Type II WMAs; and (3) adjust hunting season dates on Type II WMAs to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to Type II WMAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:**

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Specific Fish Management Area Regulations	68A-20.005

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure

conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

**SUBJECT AREA TO BE ADDRESSED:** Requirements for taking and possessing freshwater fish.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT THE TIME, DATES AND PLACES SHOWN BELOW:**

**TIME, DATES AND PLACES:** 8:30 a.m. – 5:00 p.m., January 23-25, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., April 3-5, 2002, Tallahassee, Florida; 8:30 a.m. – 5:00 p.m., May 29-31, 2002, Jacksonville, Florida; 8:30 a.m. – 5:00 p.m., September 4-6, 2002, Pensacola, Florida; and 8:30 a.m. – 5:00 p.m., November 20-22, 2002, Florida Keys

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Establishment	68A-21.002
General Regulations Relating to Wild Hog Areas	68A-21.004

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with general regulation of wild hog areas.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulation of wild hog areas.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:**

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: General Methods of Taking Freshwater Fish

RULE NO.: 68A-23.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIME, DATES AND PLACES SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Bag Limits, Length Limits, Open Seasons: Freshwater Fish

RULE NO.: 68A-23.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations.

SUBJECT AREA TO BE ADDRESSED: Bag limits, length limits, and season dates for freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIME, DATES AND PLACES SHOWN BELOW:

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish

RULE NO.: 68A-23.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to importation, selling, possession or transporting of live aquatic species or hybrids, including those species that may be classified as prohibited or restricted.

SUBJECT AREA TO BE ADDRESSED: Importation, selling, possession or transporting of live aquatic species or hybrids.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP(S) ON THE PROPOSED RULE MAY BE CONDUCTED IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT TIME, DATES AND PLACES SHOWN BELOW:

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION’S PUBLIC MEETING AT THE TIME, DATES AND PLACES SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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

agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLE: RULE NO.:

Statewide Live Bait Shrimp 68B-31.008  
 Production Restrictions

PURPOSE AND EFFECT: The purpose of this rule development effort is to standardize statewide the capacity requirements for shoreside live well storage facilities for live bait shrimp at 32 cubic feet of water. The effect of this effort should be to bring small-scale live bait dealers into compliance with the rule.

SUBJECT AREA TO BE ADDRESSED: Live bait shrimp live well requirements at shoreside storage facilities.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.008 Statewide Live Bait Shrimp Production Restrictions.

Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

- (1) No change.
- (2) Live Well Requirements.

~~(a) Except as provided in paragraph (b), Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall have aboard the vessel being used for such harvest a continuously circulating live well with a capacity of at least 16 cubic feet of water for the purpose of maintaining harvested shrimp in a healthy condition. Each person selling live bait shrimp as a wholesale or retail dealer shall store and transport such shrimp in a continuously circulating live well, with a capacity of at least 64 cubic feet of water in the storage facility and 32 cubic feet of water on any delivery vehicle, for the purpose of maintaining the shrimp in a healthy condition until transfer of possession upon sale.~~

~~(b) In Nassau, Duval, St. Johns, and Flagler Counties, Shrimp harvested as live bait pursuant to this rule shall be constantly maintained in wet live storage condition to minimize mortality. All such shrimp harvested by use of allowable trawling gear shall be directly and expeditiously transported from the harvesting vessel to onshore facilities on the premises of a licensed wholesale or retail saltwater products dealer with equipment functioning to maintain the quality of shrimp delivered in a live, healthy condition. Shrimp so delivered shall be placed in a tank of clean saline, aerated water at that facility and shall be maintained alive throughout all handling and storage processes. Equipment to maintain live bait shrimp during harvest pursuant to this rule and during subsequent transport and storage shall, at a minimum, meet the following requirements.~~

~~(a)1- Vessel requirements – Each vessel engaged in the harvest of live bait shrimp in these counties pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 16 cubic feet of continuously aerated saline water during such harvest and during transport of any live bait shrimp.~~

~~(b)2- Vehicle requirements – Each vehicle used to transport live bait shrimp harvested in these counties pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during transport and holding on the vehicle.~~

~~(c)3- Storage requirements – Each facility used to store live bait shrimp harvested pursuant to this rule, on the premises of a licensed wholesale or retail saltwater products dealer, shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during storage.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 10-3-94, 1-1-96, Formerly 46-31.008, Amended 12-2-99, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Marine Life

RULE TITLE: Commercial Season, Harvest Limits RULE NO.: 68B-42.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to extend the current moratorium on the issuance of new marine life fishery endorsements from July 1, 2002, until July 1, 2005. The effect will be to cap the number of participants in this highly competitive fishery and assist in the management of these tropical marine life species.

SUBJECT AREA TO BE ADDRESSED: Extension of moratorium on marine life fishery endorsements.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-42.006 Commercial Season, Harvest Limits.

(1)(a) Except as provided in Rule 68B-42.008(7), no person shall harvest, possess while in or on the waters of the state, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 68B-42.005 unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(b) Notwithstanding s. 370.06(2)(d)2.a., Florida Statutes, effective July 1, 2002, and until July 1, 2005, a marine life fishery endorsement may not be issued, except that those endorsements that were active during the 2001-2002 fiscal year may be renewed. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a marine life fishery endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of s. 370.06(2)(d)1., 2. d.-g., and 3., Florida Statutes, shall continue to apply to the issuance and renewal of marine life fishery endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.006, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crabs RULE CHAPTER NO.: 68B-45

RULE TITLE: Regulation and Prohibition of Certain Harvesting Gear RULE NO.: 68B-45.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to extend the current moratorium on the issuance of new blue crab endorsements from July 1, 2002, until July 1, 2005. The effect will be to cap the number of participants in this highly competitive fishery and assist in the management of blue crabs.

SUBJECT AREA TO BE ADDRESSED: Extension of moratorium on blue crab endorsements.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (9) No change.

(a) No person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding s. 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, 2005, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of s. 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 1-1-98, 6-1-99, Formerly 46-45.004, Amended \_\_\_\_\_.

## Section II Proposed Rules

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Offender Grievance Procedures  
 RULE NO.: 33-302.101  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct titles of staff responsible for administration of the offender grievance process.  
 SUMMARY: The proposed rule provides correct titles of staff responsible for administration of the offender grievance process.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.  
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 944.09 FS.  
 LAW IMPLEMENTED: 944.09 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention who has a complaint concerning actions on supervision. Steps for filing complaints are:

(a) through (c) No change.

(d) In the event the issue is not resolved with the circuit administrator, the offender may forward her or his grievance, along with the circuit administrator's response to the regional director of ~~regional~~ community corrections for review. The regional director of ~~regional~~ community corrections shall provide a written response, which attempts to resolve the issue, within 20 calendar days of receipt of the grievance.

(e) In the event the issue is not resolved with the regional director of ~~regional~~ community corrections, the offender may forward her or his grievance, along with the director of regional community correction's response, to the Bureau of Inmate Grievance Appeals in the Central Office.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Conditional Medical Release  
 RULE NO.: 33-401.201  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to correct titles of health services staff associated with the conditional medical release recommendation process.  
 SUMMARY: The proposed rule corrects titles of health services staff associated with the conditional medical release recommendation process.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.