

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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Responsibilities of School Districts 6A-3.0171
for Student Transportation

PURPOSE AND EFFECT: The purpose of this rule amendment is to accommodate changes made by the Florida Legislature relating to school bus inspections and certification of school bus safety inspectors, and to incorporate by revision updated out-of-service criteria in the "State of Florida School Bus Safety Inspection Manual" to be used throughout the state in performing school bus inspections. In addition to improving the safety, efficiency, and reliability of school buses, the time period between required school bus safety inspections has been extended from 20 days to 30 days. The extension of this time period will have no effect on safety or reliability of school buses in use in Florida, and this change will result in cost savings for Florida's school districts and charter schools.

SUMMARY: This rule is amended to incorporate changes relating to school bus inspections and certification of school bus safety inspectors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1006.22 FS.

LAW IMPLEMENTED: 1006.22 FS.

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

TIME AND DATE: 9:00 a.m., March 18, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

- (1) through (7) No change.
- (8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and performed at a maximum interval of thirty (30) ~~required every twenty (20)~~ school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent. ~~This paragraph shall become effective January 1, 2001.~~

(e) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

Specific Authority ~~1003.31, 1006.21, 1006.22, 232.25, 234.01, 234.02, 234.051, 234.061, 235.26~~ FS. Law Implemented ~~1003.31, 1006.21(3), 1006.22, 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189~~ FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-19-96, Formerly 6A-3.017, Amended 6-11-00, Formerly 6-3.017, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Morris, School Support Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne V. Pierson, Chief Financial Officer, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002 (as previously numbered Rule 6-3.017, FAC.)

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specifications for New School Buses

RULE NO.: 6A-3.0291

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt revised specifications which ensure that new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses, through incorporation of the proposed changes including, in part: revision of warranty requirements; revised definition of Type A buses; adoption of National School Transportation Specifications and Procedures, Revised 2000; revised transmission and lighting requirements; additional of remote control rear view mirrors as standard equipment; and revised wheelchair securement requirements.

SUMMARY: This rule is amended to adopt revised specifications for new Florida school buses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1006.25 FS.

LAW IMPLEMENTED: 1006.22, 1006.25 FS.

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

TIME AND DATE: 9:00 a.m., March 18, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0291 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National School Transportation Specifications and Procedures ~~Standards for School Buses~~ of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section ~~1006.25, 234.051~~, Florida Statutes. Each school bus as defined by Section ~~1006.25(1), 234.051(1)~~, Florida Statutes, shall meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1995, ~~and 2000, and 2002~~ revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The ~~Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management~~ may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management has determined to the extent practical that the equipment will not compromise safety.

Specific Authority ~~1006.25, 234.051~~ FS. Law Implemented ~~1006.22, 1006.25, 234.02, 234.051~~ FS. History—Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Amended 11-10-83, 3-28-84, 10-8-84, 10-8-85, Formerly 6A-3.29, Amended 8-19-86, 9-30-87, 10-4-88, 12-11-89, 12-18-90, 11-10-92, 9-5-93, 11-15-94, 10-18-95, Formerly 6A-3.029, Amended 6-11-00, Formerly 6-3.029, Amended _____.

c.f. Florida School Bus Specifications Revised, January 1965
 Florida School Bus Specifications Revised, Chassis – 1966;
 Body – 1966
 Florida School Bus Specifications Revised, January 1966
 Florida School Bus Specifications Revised, 1968
 Florida School Bus Specifications Revised, 1969
 Florida School Bus Specifications Revised, 1970
 Florida School Bus Specifications Revised, 1971
 Florida School Bus Specifications Revised, 1972
 Florida School Bus Specifications Revised, 1973
 Florida School Bus Specifications Revised, November 1974
 Florida School Bus Specifications Revised, January 1975
 Florida School Bus Specifications Revised, Chassis – October
 1976;
 Body – October, 1976, No Type A; No Exceptional Child
 Florida School Bus Specifications Revised, Body, Chassis,
 Type A, and Exceptional Child, March 1977
 Florida School Bus Specifications Revised, 1978
 Florida School Bus Specifications Revised, Amended, 1979
 Florida School Bus Specifications Revised, November 1980
 Florida School Bus Specifications Revised, 1982
 Florida School Bus Specifications Revised, 1983
 Florida School Bus Specifications Revised, January 1984
 Florida School Bus Specifications Revised, September 1984
 Florida School Bus Specifications Revised, September 1985
 Florida School Bus Specifications July 1986
 Florida School Bus Specifications Revised, October 1987
 Florida School Bus Specifications Revised, 1988
 Florida School Bus Specifications Revised, 1989
 Florida School Bus Specifications Revised, 1990
 Florida School Bus Specifications Revised, 1992
 Florida School Bus Specifications Revised, 1993
 Florida School Bus Specifications Revised, 1995
 Florida School Bus Specifications Revised, 2000
Florida School Bus Specifications Revised, 2002

NAME OF PERSON ORIGINATING PROPOSED RULE:
 David Morris, School Support Services, Department of
 Education,
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Wayne V. Pierson, Chief Financial
 Officer, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 27, 2002 (as previously
 6A-3.0291 numbered Rule 6-3.029, FAC.)

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-24.001
Definitions	12-24.002
General Requirements	12-24.003
Enrollment	12-24.004
Methods of Payment by Electronic Means	12-24.005
Means of Communication to Report Payment Information	12-24.006
Electronic Payment Transmission Errors	12-24.007
Procedures for Payment	12-24.008
Due Date; General Provisions	12-24.009
General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements	12-24.010
Scope	12-24.021
Recordkeeping Requirements – General	12-24.023

PURPOSE AND EFFECT: The purpose of these rules is to implement the legislative provisions contained in sections 38 and 52 of chapter 2002-218, Laws of Florida.

SUMMARY: A) Rule 12-24.001, F.A.C. (Scope of Rules) – these proposed amendments explain that the rules in Part I of this rule chapter apply to the payment of fees and the filing of tax returns, and not just the payment of taxes. These changes also explain that the payment of taxes and filing of returns is accomplished by electronic means, instead of by electronic funds transfer (EFT). B) Rule 12-24.002 (Definitions) – these proposed changes establish new definitions for the terms “associated remittance information,” “e-Cash presentment,” “electronic filing,” “electronic payment,” “electronic means,” “e-Services,” and “tax return” which are used in Part I of this rule chapter. C) Rule 12-24.003 (General Requirements) – these recommended revisions clarify that taxpayers who paid \$30,000 or more in taxes or fees in the prior fiscal year (instead of \$50,000 or more) must pay such amounts and file their returns by electronic means. Specifies the taxes and fees subject to “e-payment” and “e-filing”. D) Rule 12-24.004 (Enrollment) – these proposed amendments state that the ACH debit system is the primary method for paying taxes or fees by electronic means. Explains that, by January 1st each year, DOR will notify affected taxpayers that they must pay unemployment compensation tax and file their returns by electronic means. Provides that DOR will send an enrollment package containing three items to taxpayers who are told they must begin paying taxes and/or submitting returns by electronic means: a) an enrollment form; b) an e-Services calendar of due dates for the upcoming calendar year; and, c) an explanation of the options available for filing electronically. Revises the procedures taxpayers must follow after receiving their enrollment package, including encouraging them to use DOR’s Internet site to complete and submit their enrollment form. Changes the information that enrolling taxpayers must

provide to the Department. Explains that by completing the enrollment form (DR-600), the taxpayer is agreeing that: 1) the same statutes and rules that apply to paper documents submitted to DOR apply to submissions by electronic means; 2) the submission by electronic means will be in a manner compatible with DOR's software and equipment, and any failure by the taxpayer will be treated as the failure to file a return or pay; 3) the typing of his or her name on the bottom of the DR-600 constitutes a declaration that the enrollee is authorized to sign on behalf of the applicant; and, 4) the typed name of the enrollee on the correct DR-600 is deemed to appear on any payment or return submitted electronically. Clarifies where a taxpayer can obtain copies of documents and information discussed in Part I. E) Rule 12-24.005 (Methods of Payment by Electronic Means) – these proposed changes conform language in this rule to the proposed new terms and procedures established in other rules in Part I. States that taxpayers who are already using the ACH credit method do not have to submit a written request to continue using such method. F) Rule 12-24.006 (Means of Communication to Report Payment Information) – this rule is being repealed because its content is replaced by statutory changes enacted by the 2002 Legislature, and by other proposed amendments contained in this rule package. G) Rule 12-24.007 (Electronic Payment Transmission Errors) – these proposed amendments explain how taxpayers should contact DOR if they have a problem with an electronic payment. Changes from 3:45 to 5:00 p.m. the time by which a taxpayer must complete the transmission of payment information to the Data Collection Center for each taxable period. H) Rule 12-24.008 (Procedures for Payment) – these proposed changes conform the provisions in this rule to the proposed changes for other rules in this part. States that a confirmation code, instead of a verification code, will be sent to the taxpayer at the completion of the transmission of information to the Data Collection Center. I) Rule 12-24.009 (Due Date; General Provisions) – these recommended revisions conform language in this rule to the proposed new terms and procedures established in other rules in Part I. Adds a citation to Rule 60BB-2.028, F.A.C., to ensure that the rules that govern the compromise and settlement of penalties and interest assessed on late-filed unemployment compensation tax apply to late payments made by electronic means. Removes a provision for a grace period that was previously granted by this rule, since there is no statutory authority for such provision. J) Rule 12-24.010, (General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements) – these proposed changes explain how taxpayers should contact DOR to obtain information about the e-Services program. Conforms language in this rule to the

proposed new terms and procedures established in other rules in Part I. Establishes procedures a taxpayer can use to request a waiver from the requirement that he or she submit tax returns by electronic means. States that such waiver is valid for up to two years, and sets conditions for issuing subsequent waivers. K) Rule 12-24.021 (Scope) – adds references to recently-amended Rule 12-3.0012 and new Rule 12-3.0017 (these rule revisions explain what constitutes the “adequate records” that a taxpayer must maintain pursuant to Section 213.35, Florida Statutes). L) Rule 12-24.023 (Recordkeeping Requirements – General) – these proposed amendments provide that taxpayers must maintain records that comply with the “adequate records” provisions of Rule 12-3.0012 and DOR publication GT400515. Explains that taxpayers must use the revised DR-600 to enroll to remit taxes and fees, and submit tax returns, by electronic means.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 202.26(3)(a), 212.06(1)(a), 213.06(1) FS.

LAW IMPLEMENTED: 202.26(3)(a), 202.28, 202.30, 212.12, 213.34, 213.35, 213.755, 443.1613, 443.163 FS.

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

TIME AND DATE: 11:00 a.m., March 11, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, telephone (850)922-4830, e-mail address greenl@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing before the Rules and Policy Administrative Process is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis at (850)488-0712. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Department's proposed rules are available on the Department's website: www.myflorida.com/dor/rules

THE FULL TEXT OF THE PROPOSED RULES IS:

PAYMENT OF TAXES AND SUBMISSION OF RETURNS BY ELECTRONIC MEANS THROUGH ELECTRONIC FUNDS TRANSFER; TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS

12-24.001 Scope of Rules.

Part I of this rule chapter sets forth the rules to be used by the Department of Revenue in the administration of ss. 202.30 and 213.755, F.S., authorizing the Executive Director to require taxpayers specified by statute or rule to pay remit taxes and fees and to file tax returns by electronic means by electronic transfer of funds. If there is a conflict between these rules and any other rules applicable to the payment of taxes and fees and the filing of tax returns, information reports, and data by electronic means subject to electronic funds transfer, these rules shall govern.

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 10-24-96, 4-30-02, _____.

12-24.002 Definitions.

For the purposes of Part I of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(2) “ACH credit” means the payment of funds by electronic means electronic transfer of funds generated by the taxpayer, cleared through the ACH for deposit to the State Treasury.

(3) “ACH debit” means the payment of funds by electronic means electronic transfer of funds from the taxpayer’s account which is generated upon the taxpayer’s instruction and cleared through the ACH for deposit to the State Treasury.

(4) “Addenda record” means that information required by the Department in an ACH credit transfer or wire transfer that is needed to completely identify a taxpayer or provide information concerning a payment, in approved electronic format.

(5) “Associated remittance information” means any payment information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(6)(5) “Submission Call-in day” means the day on which a taxpayer communicates payment or tax return information to the Data Collection Center.

(7)(6) “Submission Call-in period” means:

(a) For the electronic submission of a payment and return together, or just a payment, the specified time interval in each submission call-in day during which an electronic EFT

payment or electronically-filed tax return information received by the Data Collection Center is processed for transactions occurring on the next business day, or on a date specified by the taxpayer. Electronic payment Payment and electronically-filed tax return information must be communicated to the Data Collection Center and completed no later than 5:00 prior to 3:45 p.m., Eastern Time, on the submission call-in day to clear the ACH for deposit in the State Treasury on the next business day.

(b) For the electronic submission of a return only, any business day on or before the due date.

(8)(7) “Data Collection Center” means the Department, or a third party vendor, who, under contract with the Department, collects and processes electronic payments and electronically-filed tax return EFT payment information from taxpayers.

(9)(8) “Department” means Florida Department of Revenue.

(10)(9) “Due date” means the date on or before which an electronic payment must be received or an electronically-filed tax return must be submitted a payment is required to be made by a taxpayer under a revenue law of this state.

(11) “e-Cash presentment” means the conversion of an electronic check into an electronic payment.

(12) “Electronic-filing” or “electronically-filed” means the submission of a tax return by electronic means.

(13) “Electronic payment” means the remittance of a tax or fee payment by electronic means.

(10) “Electronic Funds Transfer” or “EFT” means any transfer of funds initiated through an electronic terminal, telephone instrument, computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account using the methods specified in these rules, or to transfer funds by e-cash presentment or other electronic payment.

(14) “Electronic means” includes any one or more of the following methods of transmitting funds, information, or data: electronic data interchange, electronic funds transfer, telephone, Internet, or any other technology designated by the Department.

(15) “E-Services” means all Department programs associated with the payment of taxes and fees, and the filing of tax returns, information reports, and data by electronic means.

(16)(11) “Payment information” means the data which the Department requires of a taxpayer making an electronic payment EFT payment and which must be communicated to the Data Collection Center.

(17)(12) “Payor” means the taxpayer or an employer, or his or her designee.

(18)(13) “Personal identification Payor information number (PIN or password)” means a confidential code assigned to each taxpayer which uniquely identifies the payor and allows the payor to communicate payment information

~~and/or return information, information reports, or data to the Data Collection Center. The taxpayer will be given a separate payor identification number for each tax type.~~

~~(19)(14)~~ “State fiscal year” means July 1 through June 30.

~~(20)(15)~~ “Taxpayer” means any person required to pay ~~remitt~~ an amount by electronic means ~~the electronic transfer of funds or file a tax return, information report, or data by electronic means~~. For the purpose of these rules, “person” includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number. For electronic payment purposes, the ~~The~~ term “person” does not include ~~county tax collectors or these~~ political subdivisions, municipalities, state agencies, bureaus, or departments which remit taxes subject to electronic payment requirements ~~EFF~~ through journal transfer. Solely for the purposes of these rules, a person required to electronically-pay ~~remitt~~ a tax or to electronically-file a tax return, information report, or data acting as a collection agent, or dealer for the state, or a person that prepared and reported the Employer’s Quarterly Report (UCT-6) for 5 or more employers in the preceding state fiscal year, shall nonetheless be considered a taxpayer. For the purposes of this definition, “prepared and reported” means the completion of the Employer’s Quarterly Report (UCT-6) and the submission of the completed report directly to the Data Collection Center.

~~(21)~~ “Tax return” shall have the meaning prescribed in subsection (2)(b) of Section 213.755, Florida Statutes.

~~(22)(16)~~ “Tax type” means a tax or fee which is subject to remittance of payments and the submission of tax returns, information reports, or data by electronic means ~~EFF~~, each of which shall be considered a separate category of payment. The tax types for which taxpayers will be required to pay amounts due and/or submit tax returns, information reports, or data by electronic means ~~EFF~~ are as follows:

(a) Taxes administered under Chapter 212, F.S., and those taxes and fees reported on the DR-15 form series, including sales and use tax, local option taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax (Chapter 220, F.S.) and emergency excise tax (Chapter 221, F.S.), reported on Form F-1120, including the required estimated tax payments (F-1120ES) and tentative tax payments (F-7004);

(c) Taxes on motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, and pollutants, including local option taxes reported under Chapter 206, F.S. (Form 3096 series);

(d) Gross receipts tax (Chapter 203, F.S.) reported on Form DR-133;

(e) All taxes reported on Forms DR-907 and DR-908, including insurance premium taxes and regulatory assessments subject to the provisions of Chapter 624, F.S., the excise tax on

property insurance (s. 175.101, F.S.), and the excise tax on casualty insurance (s. 185.08, F.S.), and the insurance policy surcharge (s. 252.37, F.S.);

(f) Intangible personal property taxes (Chapter 199, F.S.), as reported on Form DR-601 series C;

(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(i) Communications ~~Communication~~ services tax (Chapter 202, F.S.) reported on Form DR-700016 ~~DR 70016~~ and substitute communications services use system tax (Chapter 202, F.S.) reported on Form DR-700019 ~~DR 70019~~; and

(j) Unemployment tax (Chapter 443, F.S.) reported on Form UCT-6 or reimbursement payments billed on Form UCT-29.

~~(17)~~ “Trace number” means the verification code provided by the Data Collection Center upon receipt of all payment information from the payor which uniquely identifies the completed communication of payment information.

~~(23)(18)~~ “Treasury” or “State Treasury” means the Treasury of the State of Florida.

~~(24)(19)~~ “Wire transfer” or “Fedwire” means an instantaneous electronic funds transfer generated by the taxpayer to the State Treasury.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 10-24-96, 4-30-02, _____.

12-24.003 General Requirements.

(1) Any taxpayer subject to the following taxes and fees who has paid that tax or fee in the prior state fiscal year in an amount of \$30,000 ~~\$50,000~~ or more must pay taxes and fees ~~remitt tax payments~~ by electronic means ~~funds transfer~~.

(a) Sales and use tax, local option sales taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax and emergency excise tax;

(c) Motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, oil and gas production, and pollutants taxes;

(d) Local option fuel tax;

(e) Insurance premium taxes and assessments;

(f) Gross receipts tax;

(g) Intangible personal property tax;

(h) Severance taxes and Miami-Dade Lake Belt Mitigation Fee; and

(i) Documentary stamp tax (other than remittances subject to s. 213.13, F.S.).

(2) Any taxpayer subject to the following taxes or fees who has paid that tax or fee in the prior state fiscal year in an amount of \$30,000 or more must file tax returns by electronic means:

~~(a) Sales and use tax, local option sales taxes, surcharges, surtaxes, and solid waste fees; and~~

~~(b) Intangible personal property tax, who is required to pay the communications services tax or the substitute communications systems tax must remit tax payments by electronic funds transfer in the following manner:~~

~~(a)1. Any taxpayer who has paid taxes imposed under Chapter 212, F.S. (Sales and Use Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer beginning with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

~~2. Any taxpayer who has paid taxes imposed under Chapter 203, F.S. (Gross Receipts Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2001, through June 30, 2002, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

~~(b) Any taxpayer who has paid a combined amount of taxes discussed in paragraph (a) of this subsection in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

~~(3)(e) Any taxpayer who pays communications services tax, gross receipts tax, and sales and use tax or substitute communications systems tax in an aggregate the amount of \$50,000 or more for the state fiscal year ending June 30, 2002, or in any state fiscal year thereafter, must remit communications services tax payments by electronic funds transfer for taxes due during the succeeding calendar year.~~

~~(4) In addition, any taxpayer subject to the taxes enumerated in subsection (1) must pay taxes and fees and/or file tax returns by electronic means if he or she:~~

~~(a) Filed a zero return for an applicable tax period for taxes due pursuant to Chapters 212 and 220, Florida Statutes;~~

~~(b) Filed a consolidated return pursuant to the provisions of Chapter 212, Florida Statutes, for every applicable tax period in the prior state fiscal year; or~~

~~(c) Has two or more places of business for which the combined tax and/or fee payments equal or exceed \$30,000 for the state fiscal year ending June 30, 2002, or any year thereafter, for taxes due pursuant to Chapter 212, Florida Statutes.~~

~~(5)(3) All taxpayers required to pay taxes or fees and/or file tax returns by electronic means participate in the EFT program shall participate for the entire a minimum of one calendar year for which they have enrolled. Persons required to participate selected on the basis of prior state fiscal year tax payments will be notified contacted by the Department at their~~

last address of record. Once notified of selected for this the EFT requirement, the taxpayer must electronically transmit by electronic means all payments and/or returns for that tax type as provided in this rule. Changes in a taxpayer's tax liability or registration during an enrollment period shall not suspend or terminate the requirement to pay taxes and file returns by electronic means for the entire calendar year for which he or she is enrolled.

Specific Authority 202.26(3)(a), 212.06(1)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02.

12-24.004 Enrollment Payor Information.

(1) The ACH debit system is the primary EFT method required of taxpayers selected to pay taxes or fees remit funds by electronic means funds transfer. The ACH credit system is an electronic payment a payment method available only as an exception to taxpayers who qualify under the provisions of Rule 12-24.005, F.A.C. Wire transfer is an alternative method of paying taxes or fees by electronic means EFT available to taxpayers only as an exception under the provisions of subsection 12-24.008(3), F.A.C.

(2)(a) On or before November 1st (January 1 for taxpayers remitting only unemployment tax), the Department will notify every taxpayer required to pay a tax or fee and/or file a tax return remit a tax by electronic means EFT in the upcoming calendar year, and include with such notification all of the following:

1. An Enrollment and Authorization for e-Services Program a Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600 DR-600F) or instructions on how to access and complete enrollment on the Department's Internet site; and

2. A a Florida e-Services Programs EFT-Program Electronic Tax Payment Calendar of Due Dates (Form DR-659); and

3. An explanation of the options from which the taxpayer must choose to pay taxes or fees and/or file tax returns by electronic means.

(b) A taxpayer who wishes to use the ACH credit method in lieu of the ACH debit method must file a written request with the Department for permission to use the ACH credit method prior to December 1 (February 1 for taxpayers remitting only unemployment tax), as provided in Rule 12-24.005, F.A.C.

(3) Upon receipt of the enrollment package Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F), the taxpayer must, on or before December 1 (February 1 for taxpayers remitting only unemployment tax):

(a) Access and complete enrollment on the Department's Internet site [www.myflorida.com/dor]; or

(b) Obtain and complete the form DR-600 and return it to the Department, if the taxpayer is unable to use the Department's Internet site to enroll by December 1.

(4) Enrollment requires the submission of information on form DR-600 that includes: Pertinent payor information provided with Form DR-600F will be furnished to the State Treasurer's bank and the Data Collection Center.

(a) The enrollee's (taxpayer's) business entity name:

(b)1. The enrollee's tax identification numbers assigned by the federal government and the Department, including tax account number if different from the tax identification numbers:

2. If the enrollee prepared and reported the Employer's Quarterly Report (form UCT-6) for five or more employers in the preceding state fiscal year, the agent i.d. number assigned by the Department, plus the information required by subparagraph (b)1. of this subsection for such enrollee, and for every employer for which the enrollee currently prepares and reports Form UCT-6.

(c) A contact person's name, mailing address, telephone number, and e-mail address who is responsible for electronic payments and/or electronic filing of returns for the enrollee's business:

(d) Whether the contact person is an employee of the business:

(e) The tax and/or fee type for which the enrollee is enrolling:

(f) The filing and payment method the enrollee requests:

(g) The enrollee's banking information, including the enrollee's bank name, the bank routing number(s), the enrollee's bank account number(s), and information stating whether the account is a savings or checking account (this information is not required if the enrollee is requesting the ACH-credit method); and.

(h) If this is a notification from an enrollee of a change in bank information, the effective date of the change.

(5) By completing and submitting this enrollment request (form DR-600), the enrollee is applying to file tax returns and reports and make tax and fee payments to the Department electronically. In addition, by completing and submitting this enrollment request, the enrollee and the Department agree that:

(a) The same statute and rule sections that pertain to all paper documents filed by the enrollee govern an electronic return, report, or payment initiated electronically pursuant to this enrollment (the completed and submitted DR-600).

(b) The enrollee's electronic transmission of such reports, returns, and payments must be made in a manner compatible with the Department's software, equipment, and facilities. Any failure to comply with this term shall result in the enrollee being deemed to have failed to file a return or payment.

(c) Each tax return or payment or other remittance communicated electronically shall be considered to be "in writing" and "written" to an extent no less than as if in paper, to be "signed" and to be an original.

(d)1. By typing his or her name on the signature line of an electronically-submitted form DR-600, the enrollee is declaring, under penalties of perjury, that he or she is authorized to sign on behalf of the applicant entity, and that he or she has read form DR-600, and that the facts stated on the form are true.

2. The typed name of the enrollee or its authorized agent(s) affixed to a completed and properly submitted form DR-600 shall be deemed to appear on electronically filed tax returns, as if actually so appearing.

(e) The enrollee must notify the Department of any changes by completing and submitting a new DR-600, or accessing and completing a change request on the Department's Internet site, no later than 30 consecutive calendar days before the changes are intended to take effect, which provides the Department a reasonable opportunity to act on such changes.

(6)(4) Upon receipt of enrollment payor information from the Department, the Data Collection Center shall assign a confidential personal payor identification number directly to the taxpayer to be used by the taxpayer when communicating electronic payment or return information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the first required payment is due under the e-services EFT program for all accounts who timely file the form DR-600 Form DR-600F with the Department.

(5) A taxpayer must provide at least 30 days advance written notice of any change of information required with the electronic funds transfer authorization form by submitting a revised Form DR-600F to the Department.

(7)(6)(a) The Department prescribes Form DR-600F, Registration/Authorization Form Florida EFT/EDI Program-Electronic Tax Payment System (r. 10/00), Form DR-659, Florida EFT Program Electronic Tax Payment Calendar (r. 10/00), and Form DR-653, Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System (r. 10/00), as the forms to be used for the purposes of this chapter and hereby incorporates these forms by reference. Copies of the these forms discussed in this rule chapter may be obtained, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A 468 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 for general taxes at (800)352-3671 (in

Florida only) or (850)488-6800, or for unemployment tax at (800)482-8293 (nationwide); or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor) (~~http://www.myflorida.com/dor/~~). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of form DR-600 requests (~~form DR-600F~~) at telephone number (850)922-5088.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.005 Methods of Payment by Electronic Means Fund Transfer.

(1) The Department will utilize the ACH debit transfer as the method by which taxpayers subject to electronic payment EFT requirements shall remit taxes and fees by electronic means funds transfer.

(2) However, the Executive Director or the Executive Director's designee will grant taxpayers permission to use the ACH credit method on a case by case basis, as an exception to the required use of the ACH debit method.

(a) A taxpayer who requests permission to use the ACH credit method must submit a written request to the Department, by December 1 (February 1 for taxpayers remitting only unemployment tax), which demonstrates that the taxpayer is currently using the ACH credit method for other financial purposes on a regular basis.

(b) The written request to use the ACH credit method shall be filed with the e-Services E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885, by December 1 (February 1 for taxpayers remitting only unemployment tax). The Department will accept facsimile transmissions of requests at telephone number (850)922-5088. Taxpayers will be notified of the Department's decision within the month of January.

(c) The Department reserves the right to revoke the ACH credit method payment privilege of any taxpayer who does not consistently transmit error-free payments; or substantially varies from the requirements and specifications of these rules; or repeatedly fails to make timely electronic payments EFT payments or timely provide payment information; or, repeatedly fails to provide the required addenda record with the electronic EFT payment.

(d) No taxpayer using the ACH credit method on January 1, 2003 shall be required to submit any additional written request for permission to do so, but may continue to use the ACH credit method unless and until such time as the Department revokes the taxpayer's right to do so pursuant to paragraph (c) of this rule.

2. Nothing in this rule shall be construed to prohibit the use of the ACH credit method by a business that is currently not licensed to do business in Florida, unless such business does not qualify as discussed in paragraph (a) of this rule.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.006 Means of Communication to Report Payment Information.

~~Taxpayers who participate in the electronic funds transfer program shall use one of two means of communicating payment information through the ACH debit method:~~

~~(1) Operator assisted communication of payment information made orally by rotary or touch tone telephone; or~~

~~(2) PC entry communication of payment information with a computer or other communication device.~~

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 11-17-93, 4-30-02, Repealed _____.

12-24.007 Electronic Payment Transmission Errors.

(1) If a taxpayer makes an error on an electronic ~~does not make a correct~~ payment of tax for a particular period, such taxpayer shall, on the nearest business day after the date on which the error is discovered, contact e-Services the E-Services Unit at the telephone number for general taxes at (800)352-3671 (in Florida only), (850)488-6800, or for unemployment tax at (800)482-8293 (nationwide), or at the Department's Internet address at www.myflorida.com/dor (850)487-7972 for specific instructions.

(a) If the taxpayer error involves an overpayment of tax, the taxpayer may either elect to have the overpayment applied against the liability for the next reporting period or apply for a refund under the provisions of the applicable tax statute.

(b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment.

(2)(a) In the event a taxpayer using the ACH debit method communicates electronic payment information to the Data Collection Center after 5:00 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the taxpayer's account on the next business day following the due date and shall constitute late payment.

(b) To assist the taxpayer in complying with all statutory requirements for timely electronic payment remittance by EFT of taxes and fees due, the Department will annually develop and distribute form DR-659, which contains detailed information that specifies provides the final time and date for each month of the upcoming calendar year by which the taxpayer must initiate a timely electronic EFT payment of any tax or fee subject to EFT. This form is revised annually to incorporate any changes to dates listed on the

previously-issued form that, if not changed for the upcoming calendar year, will occur on a state or federal holiday, or on a weekend.

(3) Except as provided in these rules or Rule Chapter 12-13, F.A.C., a failure to make a timely electronic EFT payment because of other circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account ~~or a direct payment to the Department using an unauthorized payment method~~, shall result in the loss of the taxpayer's collection allowance and assessment of the appropriate penalties and interest by the Department.

Cross Reference: Rule 12-24.009, F.A.C.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.008 Procedures for Payment.

(1) ACH Debit Method.

(a) The taxpayer must report electronic payment information to the Data Collection Center by the approved means of communication, no later than ~~5:00~~ 3:45 p.m., Eastern Time, on the business day immediately preceding the due date of the payment. The Data Collection Center must be contacted during the submission contact period specified in the detailed instructions provided to enrolled EFT taxpayers, which include Form DR-659. The Department will bear the costs of processing electronic EFT ACH debit payments through the Data Collection Center. Communication by the taxpayer during the submission contact period is mandatory to assure the timely posting of the taxpayer's payment on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer is allowed to communicate electronic payment information for more than one tax type or tax period. However, the taxpayer must initiate electronic payment information for each tax type and for each tax period for which an electronic payment is due. The following electronic payment information is required from the taxpayer:

1. Company and ID number (Payment identification number);
2. Tax payment amount;
3. Tax period;
4. Payment type; and
5. Confirmation ~~Verification~~ code.

(c) A confirmation code will be issued at the conclusion of the communication of the electronic payment information for each payment type and tax period. This number provides a means of verifying the accuracy of the recorded tax payment and serves as a receipt for the transaction.

(d) Shortly after the expiration of the submission contact period, the Department will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated by the taxpayer to the Data Collection Center during that submission contact period.

(e) Example. A taxpayer who uses the ACH debit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. Prior to the end of the submission contact period on February 19 (or the last business day prior to the 19th), the taxpayer must contact the Data Collection Center. After establishing contact, the taxpayer will identify the electronic payment EFT account with the preassigned payment identification number and state the payment type (monthly return), the payment amount (\$12,345), and the tax period (January), ~~and the verification code~~. At the end of the communication, the taxpayer will receive a confirmation code which will verify the accuracy of the recorded tax payment and serve as a receipt for the transaction. Electronic payment ~~Payment~~ information involving the ACH debit transfer will be electronically transmitted to the Department on February 19, shortly after the expiration of the contact period. The actual tax payment of \$12,345, however, will not be posted as collected funds to the Treasurer's account until the following day, February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by electronic payment EFT.

(2)(a) ACH Credit Method. Taxpayers who have been granted permission to use the ACH credit method must contact their own financial institutions and make the arrangements to transfer the tax payment to the state Treasury account using an ACH credit transfer. The Department will not bear the costs for taxpayers to use the ACH credit method.

(b) To assure the timely receipt of payment of tax, a taxpayer must initiate the payment transaction with its financial institution in time for the payment to be deposited as collected funds to the State Treasury account on or before the appropriate due date.

(c) All ACH credit transfers must be accompanied by a Cash Concentration or Disbursement (CCD) + addenda record, in the format specified by the Department, which includes the following information:

1. Record type code;
2. Addenda type code;
3. Taxpayer identification;
4. Tax type code;
5. Tax period end date;
6. Amount type code;
7. Amount.

(d) If the taxpayer fails more than three times in 12 consecutive calendar months, beginning January 1, 2002, to provide the Department with the required addenda record which conforms to the requirements of this rule, the taxpayer will be required to use the ACH debit method.

(e) Example. A taxpayer who uses the ACH credit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. At a time arranged between the taxpayer and the taxpayer's financial institution, the taxpayer will provide the taxpayer's financial institution with the information necessary to initiate a timely transfer of the January tax payment and an accompanying CCD + addenda record. The timely initiated ACH credit transfer of \$12,345 will be posted as collected funds to the State Treasurer's account on February 20. To be timely, the ACH credit transfer of January tax must be deposited to the state Treasury account as collected funds on or before February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by EFT.

(3) Wire transfer. Taxpayers who, due to circumstances beyond their reasonable control, are unable to initiate a timely electronic payment of tax through the ACH debit method or the ACH credit method may request the Department's permission, on an exception basis, to transmit a payment of tax to the State Treasurer's account via wire transfer. The term "circumstances beyond their reasonable control" includes, but is not limited to, failure of equipment essential to the transmission of the payment, unavailability of the employee(s) who handles such transmissions, or natural disaster.

(a) Prior to initiating the transmission, the taxpayer must ~~contact the E-Services Unit through the E-Services hotline at telephone number (850)487-7972. The taxpayer must~~ fax a written explanation of the emergency situation which prevents timely compliance under either the ACH debit method or ACH credit method and must request written approval to wire transfer the tax payment in question to the State Treasury account. The E-Services fax number is (850)922-5088. The written request must include the information discussed in sub-subparagraphs (3)(b)1.a. through f. of this rule.

(b) Taxpayers who are granted written approval to use wire transfer as an exception to either the ACH debit method or ACH credit method will be given specific instructions regarding the payment information that must accompany the wire transfer.

1. All wire transfers must be accompanied by payment information, in addition to an addenda record, in the format specified by the Department, which includes the following information:

- a. Taxpayer's name;
- b. Taxpayer's identification number;
- c. Tax type;

- d. Amount/payment type;
- e. Amount of payment;
- f. Tax period;
- g. Name and account of correspondent bank;
- h. Name of receiving bank;
- i. State treasury account number; and
- j. American Bank Association 9-digit number of receiving bank.

2. The Department will not bear any costs associated with the wire transfer.

(c) Wire transfers which are not received in the State Treasury account on or before the due date of the transmitted payments of tax will constitute late payment, and the applicable late filing penalties, interest, and loss of collection allowance shall apply.

Specific Authority 202.26(3)(a), 213.06(1) F.S. Law Implemented 202.30(1), 213.755, ~~443.1613, 443.163~~ FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.009 Due Date; General Provisions.

(1) Taxpayers who are required to pay taxes or fees ~~remit tax payments~~ through electronic means EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date under the appropriate revenue law. If a tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 683.01, s. ~~658.70(1)~~, F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic means ~~funds transfer~~ is required on or before the first banking day thereafter. For the purposes of these rules, "banking day" has the meaning prescribed in s. 683.01, s. ~~658.70(1)~~, F.S. If the date on which the taxpayer is required to initiate either an ACH debit or an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must initiate the transaction on the preceding business day pursuant to Rule 12-24.008(3), F.A.C.

(2) ~~The EFT method of payment does not change any current filing requirements for tax returns.~~ If the electronic EFT payment is not timely made or the tax return required is not electronically-filed ~~filed~~ by the statutory due date, the provisions for late filing penalties, interest, and loss of collection allowance or discount shall apply under the provisions of the appropriate revenue law, except as provided in these rules.

(3) The provisions of s. 213.21, F.S., (s. 443.141(1), F.S. for unemployment tax), shall govern the compromise and settlement of any tax, interest, or penalty assessed due to the late payment of an electronically filed payment, except as provided in these rules.

(a) For electronic payment EFT purposes, "reasonable cause" as stated in s. 213.21, F.S. and Rule Chapter 12-13 and "good reason" as stated in s. 443.141(1), F.S., both include, for

the compromise of penalty shall include, in addition to the provisions of s. 213.21, F.S., and Rule Chapter 12-13, F.A.C., the following:

1. The inability to access the electronic payment EFT system on the required date because of a system failure beyond the reasonable control of the taxpayer;

2. The failure of the electronic payment EFT system to properly apply a payment; or

3. The failure of the electronic payment EFT system to issue proper verification of receipt of payment information.

(b)1. A taxpayer who is required to remit payments under the electronic payment EFT program and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control shall not be subject to penalty or interest for late payment or loss of collection allowance or discount. The taxpayer must provide a written explanation and supporting documentation to the e-Services E-Services Unit concerning any system failure within the banking system/ACH interface.

2. Taxpayers must ensure that they use reasonable and prudent judgment when selecting a banking system or ACH interface to handle their electronic payment EFT transactions.

(c) Errors made by the Data Collection Center, the State Treasury, or the Department shall not subject the taxpayer to loss of collection allowance or discount, or assessment of penalty or interest for late payment.

(4) During the first 3-month period a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period of no more than 90 consecutive calendar days to the taxpayer to resolve problems which arise when new administrative procedures, data systems changes and taxpayer operating procedures are implemented. To qualify for a grace period, the taxpayer must demonstrate in writing to the Department that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date, or that a mistake or inadvertence prevented timely payment when the taxpayer attempted to correctly and timely initiate an EFT payment.

(4)(5) Pursuant to s. 202.28(1), F.S., dealers of communications services who fail to properly pay by electronic means remit the communications services taxes by EFT as required in s. 202.30(1), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper remitting of taxes.

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.28, 202.30, 212.12, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 4-30-02, _____.

12-24.010 General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements.

(1) Taxpayers who need general information concerning the e-Services programs EFT program can contact the Department toll-free at (800)352-3671 (Florida only)

E-Services Unit at (850)487-7972, or (850)488-6800 or for unemployment tax toll free at (800)482-8293 (nationwide), or at the Department's Internet address at www.myflorida.com/dor Toll-Free (800)352-3671 (Florida only).

(2) Voluntary Inclusion in the electronic payment program EFT. Those taxpayers who are required to participate in the electronic payment EFT program due to a prior year tax liability for any tax type subject to electronic payment EFT may request permission to also remit other tax types by electronic payment EFT. Written requests for voluntary inclusion in the electronic payment EFT program must be filed with the e-Services E-Services Unit at least 60 days prior to the due date of the payment(s) in question. Taxpayers may terminate voluntary participation by filing a written notice of termination with the e-Services E-Services Unit at least 60 days prior to the due date of the last electronic EFT payment. Requests for voluntary inclusion and termination notices must be directed to the e-Services E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885.

(3) The Data Collection Center and its employees shall be bound by the same confidentiality requirements as the Department under s. 213.053, F.S.

(4)(a) The Department is authorized to waive the requirement that a taxpayer submit tax returns by electronic means, if the taxpayer can establish that he or she is unable to comply with e-filing requirements pursuant to the provisions in the introductory paragraph to section 213.755, F.S. To request a waiver the taxpayer must complete and submit form DR-654 (Request for Waiver From Electronic Filing), to establish in writing the basis under which such waiver is requested.

(b) Grounds for approving a waiver include, but are not limited to:

1. Any of the circumstances specified in section 213.755(9)(a) and (b), F.S.; or

2. The taxpayer does not have a modem; or

3. The taxpayer does not have access to the Internet.

(c) A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the taxpayer working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver. The requirement to work with the Department to address the issues that necessitated a waiver means the taxpayer will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the taxpayer to submit returns by electronic means, unless the taxpayer can establish that the circumstances or reasons as set forth in section 213.755, Florida Statutes, continue to apply.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

PART II TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS

12-24.021 Scope.

Rules 12-3.0012 and 12-24.021 through 12-24.030, F.A.C., and publication GT400515 define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules and publications address such requirements where all or a part of the taxpayer's records are received, created, maintained or generated through computer, electronic, and imaging processes and systems. Unless in conflict with the specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed by the revenue laws administered by the Department.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 10-24-96, Amended 4-30-02, _____.

12-24.023 Recordkeeping Requirements – General.

(1) A taxpayer shall maintain all records that are necessary to make a determination of its correct tax liability for any tax specified in s. 72.011, F.S. All required records must be made available on request by the Department as provided in s. 213.34, F.S. Such records shall comply with the adequate records provisions discussed in Rule 12-3.0012, F.A.C., and publication GT400515, which is adopted by reference in Rule 12-3.0017, F.A.C., and shall include, but not be limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records.

(2) through (3) No change.

(4) The Department shall use form DR-600 (Enrollment and Authorization for e-Services Program) Form DR-653 (Electronic Filing Agreement Florida EFT/EDI Program Electronic Tax Filing System) to document an agreement with a taxpayer that such taxpayer will file tax reports and returns by electronic means transmission.

(5) No change.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 10-24-96, Amended 4-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, telephone (850)922-4830, e-mail address greenl@dor.state.fl.us.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sylvan Strickland, Senior Attorney, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, telephone number (850)922-4711

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: November 22, 2002, Vol. 28, No. 47, pp. 5082-5092. A workshop was held on December 11, 2002. Oral and written comments were received. Some changes were made, and they are integrated into the proposed rule text.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Fresh Fruit Maturity Tests

RULE CHAPTER NO.: 20-34

RULE TITLE: Juice Content in Grapefruit – Sampling and Testing

RULE NO.: 20-34.006

PURPOSE AND EFFECT: Would provide additional sizes to an alternative method of evaluating juice content for establishing fresh grapefruit maturity.

SUMMARY: Additional sizes to an alternative method of testing fresh grapefruit maturity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.18, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.18, 601.24, 601.25, 601.44 FS.

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

TIME AND DATE: 10:30 a.m., March 19, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-34.006 Juice Content In Grapefruit – Sampling and Testing.

(1) Tests for juice content of grapefruit shall be determined by:

(a) use of official juice extractor equipment as described in Section 20-34.002 to determine cc juice per fruit, or

(b) fruit samples and their juice weighed to determine percent of juice by weight. This method shall be limited to fruit ~~from 3 9/16 inch to 4 1/4 inch diameter~~ and less which must

have 52% juice by weight and fruit greater than 4 1/4 inch diameter ~~up to 4 9/16 inch diameter~~ which must have 49% juice by weight.

Specific Authority 601.10(1),(7), 601.18, 601.24, 601.25 FS. Law Implemented 601.18, 601.24, 601.25, 601.44 FS. History—Formerly 105-1.01(4), Revised 1-1-75, Amended 4-15-75, 8-1-75, Formerly 20-34.06, Amended 10-17-95, 10-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit
RULE CHAPTER NO.: 20-39

RULE TITLE: Approved Boxes
RULE NO.: 20-39.003

PURPOSE AND EFFECT: Would provide for a new container to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUMMARY: Approved container for use in shipping fresh Florida Citrus.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., March 19, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer, and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-01-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11-1/2 x 9-3/4 Oversized	42-33-69	42-33-42
DOC-03-V	Singlewall	17 x 12 x 9-3/4 Oversized	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10-5/8 x 9-5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10-5/8 x 9-5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11-1/2 x 9-3/4 Oversized	42-33-42	42-33-42
DOC-07-VT	Tray Style	17 x 12 x 9-3/4 Oversized	42-33-42	42-33-42
DOC-08-VB	Bliss Style	17 x 11-1/2 x 9-3/4 Oversized	42-33-42	33-33-33
DOC-09-VB	Bliss Style	17 x 12 x 9-3/4 Oversized	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10-5/8 x 9-5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10-5/8 x 10-1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10-5/8 x 10-1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10-5/8 x 10-1/8**	42-40-69	42-33-42
DOC-14-P ††	Singlewall	15-7/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-15-PT ††	Tray Style	17-5/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-16-WP	Wood Slat	16-1/8 x 10-5/8 x 10-5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound
DOC-17-WP	Wood Slat	19-7/8 x 7-1/2 x 11-1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound
DOC-18-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 x 10-5/8 x 9-5/8**	45-33-45	42-33-42
DOC-20-XP††	Singlewall	17 x 10-5/8 x 10-1/8**	69-40-69	42-33-42
DOC-21-PT	Tray Style	17 x 10-9/16 x 9-5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42
DOC-22-P ††	Singlewall	13-1/4 x 10-5/8 x 7 Full telescope**	42-33-42	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-23-VT	Tray Style	17 x 12 x 9-5/8 End slotted with short end flaps. Oversized	59-33-42	42-33-42
DOC-24-P	Singlewall	17 x 10-5/8 x 9-5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	59-40-90	42-33-42
DOC-25-PT ††	Tray Style	16-1/8 x 10-5/8 x 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18-1/4 x 12-1/2 x 11-3/4 Having three plastic trays per carton*	90-40-90	42-33-42
DOC-27-WV ††	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None
DOC-28-P ††	Singlewall	17 x 10-5/8 x 6** Full Telescope	42-33-42	42-33-42
DOC-29-P	Singlewall	16-3/4 x 11-1/2 x 11-3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42
DOC-30-P ††	Singlewall	17 x 10 x 6-15/16 Corrugated, full telescope**	90-40-90	42-33-42
DOC-31-P	Singlewall	16-11/16 x 11-8/16 x 11-14/16 Corrugated with honeycomb dividers**	59-40-42	42-33-42
DOC-32-OV ††	Triplewall-Bulk bin	46-1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	59-33-69-33-69-33-90	69-26-69
DOC-33-P	Singlewall	20-45/16 x 11-13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42
DOC-34-OV ††	Triplewall-Bulk bin	46 x 37-1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-90-40-90	42-26-69
DOC-35-OV ††	Triplewall-Bulk bin	46 x 38 x 26-1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-33-90	69-26-69
DOC-36-P	Doublewall	23-5/8 x 15-5/8 x 7 Die cut platform tray, open top	42-36-33-26-42	
DOC-37-RV ††	Triplewall-Bulk bin	46-1/2 x 38-1/2x26-1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	64-33-35-64-33-96	35-26-35
DOC-38-P	Singlewall	16-3/4 x 11-1/2 x 10-3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays**	99-33-90	42-33-69
DOC-39-P	Doublewall	17 x 10 _ x 9 _ Corrugated, half-slotted	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	18 15/16 x 14 3/16 x 11 13/16 One-piece, die cut	42-33-42-33-42	n/a

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-41-P	Plastic	22 1/2 x 14 9/16 x 7 One-piece, reusable/recyclable high-density polyethylene	n/a	n/a
DOC-42-P‡‡	Singlewall	17 1/2 x 11 _ x 8 3/4 Holding _ of a standard 4/5 bu. container, two-layer, full telescoping	90-40-90	42-33-42
DOC-43-OV‡‡	Triplewall 1/2 bulk bin	38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22 _ x 14 11/16 x 6 _ B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 _ x 10 _ x 10 _ 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 _ x 15 _ x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
DOC-47-PT	Doublewall	14 1/2 x 11 _ x 6 5/16 2/5 bu, die-cut, open top platform tray	33-69-33-69	n/a
DOC-48-PT	Doublewall	22 1/4 x 14 1/2 x 5 3/4 40 x 60 Euro Tray	42-33-42-34-42	n/a

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of Sections 20-39.007(1), 20-39.008(1) and 20-39.009(1).

‡‡ Container does not conform to 4/5 bushel requirement of section 20-39.003(1)

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the packinghouse to acquire and provide records of such compression strength testing upon request.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE TITLE: Firm Capacity and Energy Contracts

RULE NO.: 25-17.0832

PURPOSE AND EFFECT: The purpose of the amendment is to reduce the minimum term for standard offer contracts from 10 to five years. The rule amendment also requires investor-owned electric utilities to specify the term of the

standard offer when filing the contract for approval with the Commission. The effect is to reduce the risk that ratepayers will be tied to long-term contracts that are above avoided cost.

SUMMARY: Rule 25-17.0832, F.A.C., requires investor-owned utilities to file tariff and a standard offer contract for the purchase of firm capacity and energy from specified types of small qualifying facilities. The rule sets forth the minimum specifications and acceptable pricing methodologies for standard offer contracts. The amendment to subparagraph (4)(e)3. and 7. would reduce the ten year minimum contract term for standard offer contracts to five years. In addition, the amendment to subparagraph (4)(e)7. would require investor-owned utilities to specify the contract term when filing the standard offer for approval by the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Several municipal solid waste (MSWs) facilities oppose the rule amendments. However, the impact on the local government entities depends on future firm capacity and energy prices. If these prices increase, a shorter contract term would benefit MSW facility owners because they could enter a new standard offer contract sooner with higher payments. On the other hand, if firm capacity and energy prices decrease, MSW owners would be faced with lower payments. One MSW argued that because MSW facilities are

publicly owned, any shortfall or reduction in electrical revenues will require increasing solid waste disposal costs. In addition, at least one MSW argued that adoption of the rule amendments will result in MSWs having to negotiate more contracts, which will increase transaction costs for the MSWs. The MSWS overlook that longer contracts are still possible under the rule. The MSWs also do not acknowledge that the Commission is required to keep IOU rates reasonable and shortening the standard offer contract term is best for IOU ratepayers in an environment in which wholesale generation costs are falling. Keeping the ten year minimum term would continue the possibility that IOUs and their ratepayers would be faced with higher cost capacity and energy costs for an additional five years for new standard offer contracts, even if market costs declined. However, wholesale generation costs may increase and IOUs would lose the benefits of a fixed price contract for an additional five years. Allowing a qualifying facility to choose the contract term would abrogate the Commission's regulatory responsibility over capacity and energy contracts.

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

SPECIFIC AUTHORITY: 350.127, 366.05(1) FS.

LAW IMPLEMENTED: 366.051, 366.81 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.0832 Firm Capacity and Energy Contracts.

(1) No change.

(a) Within one working day of the execution of a negotiated contract or the receipt of a signed standard offer contract, the utility shall notify the Director of the Division of Economic Regulation Electric and Gas and provide the amount of committed capacity and the type of generating unit, if any, which the contracted capacity is intended to avoid or defer.

(b) Within 10 working days of the execution of a negotiated contract or receipt of a signed standard offer contract for the purchase of firm capacity and energy, the purchasing utility shall file with the Commission a copy of the signed contract and a summary of its terms and conditions. At a minimum, the summary shall include report:

1. through 3. No change.

4. The type of unit being avoided, its size, and its in-service year;

5. through 6. No change.

(2) through (3)(d) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a separately separately negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

1. through (e)2. No change.

3. The payment options available to the qualifying facility including all financial and economic assumptions necessary to calculate the firm capacity payments available under each payment option and an illustrative calculation of firm capacity payments for a minimum five ten year term contract commencing with the in-service date of the avoided unit for each payment option;

4. through 6. No change.

7. The specific period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. Firm capacity and energy shall be delivered, at a minimum, for a period of five ten years, commencing with the anticipated in-service date of the avoided unit specified in the contract. At a maximum, firm capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit;

8. through (8)(c) No change.

Specific Authority 350.127, 366.04(1), ~~366.051~~, 366.05(1)(8) FS. Law Implemented 366.051, 366.81 ~~403.503~~ FS. History--New 10-25-90, Amended 1-7-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Ballinger
 NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 44, November 3, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Transfer of Supervision Interstate and Intrastate	33-301.103
Interstate Compact for Adult Offender Supervision	33-301.104
Other State Offenders Community Supervision	33-301.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete an unnecessary rule, set forth guidelines for offender travel to other states and to provide for equal standards of supervision for other state offenders supervised in Florida.

SUMMARY: The proposed rules delete unnecessary rule provisions, set forth guidelines for offender travel to other states and provide for equal standards of supervision for other state offenders supervised in Florida.

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: 949.08 FS.

LAW IMPLEMENTED: 949.07, 949.08 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-301.103 Transfer of Supervision Interstate and Intrastate.

Specific Authority 944.08, 944.09 FS. Law Implemented 948.03 FS. History--New 5-28-86, Formerly 33-24.009, Repealed _____.

33-301.104 Interstate Compact for Adult Offender Supervision.

(1) An offender who has made a satisfactory adjustment while on supervision shall be allowed to visit other states, the District of Columbia, the Commonwealth of Puerto Rico or the

U.S. Virgin Islands for business, visitation or vacation purposes as long as travel requirements in subsection (2) are met, public safety will not be compromised by such a visit, and the offender meets the travel requirements of the state of destination. If the offender is a high risk, high profile, or sex offender case, once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of Form DC3-220, Travel Permit, providing the offender's itinerary, must be transmitted to the Bureau of Interstate Compact. Form DC3-220 is incorporated by reference in Rule 33-302.106, F.A.C. The Travel Permit includes a waiver of extradition section which, when signed by the offender, waives extradition rights of the offender traveling outside the state or country.

(2) In order for an offender to obtain permission to travel, the following conditions must exist:

(a) The offender is not prohibited by the order of supervision from traveling to the desired location.

(b) The offender is not wanted or facing prosecution for criminal charges or violation of the order of supervision.

(c) The offender presents a plan of travel that is verifiable by providing a specific location name, telephone number, and contact person by which the information is to be verified, in advance, by the officer.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel and has provided the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) The travel does not interfere with condition compliance or treatment programming.

(f) Travel shall be denied for purely recreational purposes if the offender is not current with the court ordered or releasing authority imposed payment schedule or offender financial obligation agreement and the offender shall expend monies in the course of travel.

(g) No extenuating circumstances exist which indicate that authorizing the offender to travel would constitute a lack of prudence. Such extenuating circumstances include those that would cause a reasonable person to believe that the offender may be likely to violate a condition of supervision if travel were authorized.

(3) Travel shall not exceed thirty consecutive days in length. Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:

(a) Immediately notifying the officer if a change of plan occurs;

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode;

(c) Immediately calling or reporting upon return to the county of residence;

(d) That any deviations to the approved travel shall not be authorized;

(e) That travel shall be authorized only as indicated on the travel permit; and

(f) That failure to comply with instructions shall be a violation of supervision.

(4) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, the offender must meet the other state's transfer requirements and receive consent to travel from the Bureau of Interstate Compact before proceeding to that state.

(5) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Out of State Investigation Request, Form DC3-110;

(b) Application for Compact Services and Agreement to Return, Form DC3-122;

(c) Supervision orders;

(d) Supervision history; and

(e) Pre-sentence or Post-sentence investigation, or offense report and arrest history.

(f) Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

(6) The officer shall obtain permission and written approval from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. Form DC3-220 shall be approved with a copy forwarded to the Bureau of Interstate Compact.

(7) In compact cases that meet emergency transfer criteria, the officer must submit a Request for Emergency Reporting Instructions, Form DC3-126, to the Bureau of Interstate Compact two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form DC3-126 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(8) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor without the written approval of the sentencing or releasing authority.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New _____

33-302.105 Other State Offenders Community Supervision.

Other state offenders accepted for supervision in the State of Florida shall be afforded equal standards of supervision and services as provided for Florida offenders.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Intrastate Travel and Transfer of Supervision

RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to non-emergency travel, out-of-county travel, and provision of travel instructions to offenders. Provisions addressing out-of-state travel are being deleted and relocated to other rules related to interstate travel.

SUMMARY: The proposed rule clarifies provisions related to non-emergency travel, out-of-county travel, and provision of travel instructions to offenders. Provisions addressing out-of-state travel are being deleted and relocated to other rules related to interstate travel.

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:

33-302.106 Intrastate Offender Travel and Transfer of Supervision.

(1) through (2) No change.

(3) Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct the offender to go to the other county's local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in section 775.13, F.S. This instruction shall be documented on Form DC3-220, Travel Permit and in the electronic case notes. Form DC3-220 is incorporated by reference in subsection (4) of this rule.

~~(4)(3)~~ Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3-237, Intrastate Transfer Request, for this purpose. Form DC3-220, Travel Permit, and Form DC3-237 are hereby incorporated by reference. Copies of these forms this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC3-220 this form is October 2, 2001. The effective date of Form DC3-237 is _____.

(5) Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following: An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Immediately notifying the officer if a change of plan occurs; Out of State Investigation Request, Form DC3-110;

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode; Application for Compact Services and Agreement to Return, Form DC3-122;

(c) Immediately calling or reporting upon return to the county of residence; Supervision orders; and,

(d) That any deviations to the approved travel shall not be authorized; Pre-sentence or Post-sentence investigation, or offense report and arrest history;

(e) That travel shall be authorized only as indicated on the travel permit; and Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001.

(f) That failure to comply with instructions shall be a violation of supervision.

~~(6)(4)~~ An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender.

~~(6)~~ When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

~~(7)~~ In compact cases that meet emergency criteria, the officer must submit an Electronic Request for Emergency Reporting Instructions and Travel Permit, Form EF3-005, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF3-005 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self addressed envelope. The effective date of this form is October 2, 2001.

~~(8)~~ In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a

~~copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.~~

~~(9) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3 220 will be approved with a copy forwarded to the Bureau of Interstate Compact.~~

~~(10) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor, without the written approval of the sentencing or releasing authority.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Administrative Leave
RULE NO.: 53-16.009
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide for administrative leave for the protection of the Lottery's best interest.
SUMMARY: Emergency Rule 53ER03-7, Administrative Leave, was filed by the Lottery on January 24, 2003. This amendment reflects in permanent rule form the provisions in Emergency Rule 53ER03-7 for administrative leave for the protection of the Lottery's best interest.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 24.105(9)(j) FS.
LAW IMPLEMENTED: 24.105(19)(d) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 9:00 a.m. March 12, 2003
PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-16.009 Administrative Leave.

(1) through (15) No change.

(16) Administrative Leave for Protection of Lottery's Best Interests. The Secretary may place an employee on administrative leave with pay when such action is determined to be in the Lottery's best interests, considering factors such as the safety, security, or integrity of the Lottery's employees, business interests, facilities, or other resources.

~~(17)~~(16) If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(18)~~(17) This section applies to employees who are filling authorized and established positions.

~~(19)~~(18) All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New 2-25-93, Amended 8-15-93, 10-21-99, 4-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane D. Schmidt, Office of the General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Long-Term Care Hospital Beds
RULE NO.: 59C-1.045
PURPOSE AND EFFECT: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals. There is no current CON rule that deals exclusively with this subject. The new rule describes the type of patients served in long-term care hospitals, the type of services provided, geographic service planning areas, agency preferences among competing applicants, and required content of a CON application. Service-specific rules like the one proposed are used in conjunction with statutory review criteria in evaluation of applications for a CON.
SUMMARY: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(6) FS.

LAW IMPLEMENTED: 408.034(3), 408.036(1)(a)-(d),(f),(g) FS.

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

TIME AND DATE: 2:00 p.m. March 11, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), and paragraphs 408.036(1)(a), (b), (c), (d), (f), and (g), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new long-term care hospitals, the addition of beds to existing long-term care hospitals, and the conversion of licensed hospital beds to long-term care hospital beds.

(2) Definitions.

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

(b) "Approved Long-Term Care Hospital Bed." A proposed long-term care hospital bed for which a certificate of need, a letter of intent to grant a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need was issued, consistent with the provisions of 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to the letter of intent deadline, as specified in paragraph 59C-1.008(1)(g), Florida Administrative Code.

(c) "Charity Care." That portion of hospital charges reported to the agency for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Charity care does not include bad debt, which is the portion of health care provider charges for which there is no compensation for care provided to a patient who fails to qualify for charity care; and does not include administrative or

courtesy discounts, contractual allowances to third-party payers, or failure of the hospital to collect full charges due to partial payment by government programs.

(d) "District." A district of the agency defined in subsection 408.032(5), Florida Statutes. For purposes of certificate of need review, the service area of a proposed long-term care hospital is the district in which it would be located.

(e) "Freestanding Facility." For purposes of this rule, a long-term care hospital that is not the hospital within hospital described in paragraph (2)(g).

(f) "Local Health Council." The council referenced in section 408.033, Florida Statutes.

(g) "Long-Term Care Hospital." A hospital licensed under Chapter 395, F.S., which meets the requirements of Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations; and, where applicable, also meets the requirements for a hospital within hospital specified under paragraph 412.22(e) of that subpart. A long-term care hospital is exempt from the Medicare acute care prospective payment system. A long-term care hospital has an average length of inpatient stay greater than 25 days for all hospital beds. Long-Term care hospitals are designed to provide extended care to patients who are clinically complex and have multiple complex or chronic conditions, and who are less stable upon admission than patients admitted to other post-acute care settings. Long-Term care hospitals typically provide programs in one or more of the following areas: respiratory care, particularly for ventilator-dependent patients; treatment of patients with multiple illnesses or multiple systems failure; treatment of wounds caused by disease or accident; and treatment for patients requiring interdisciplinary rehabilitation services who are unable to tolerate the more intensive treatments provided in a comprehensive medical rehabilitation hospital.

(3) General Provisions.

(a) Conformance with the Criteria for Approval. A certificate of need for the establishment of a new long-term care hospital, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

(b) Minimum Hospital Size. Freestanding long-term care hospitals established after the effective date of this rule shall have a minimum of 40 licensed beds. Long-Term care hospitals designated as hospitals within hospitals established after the effective date of this rule shall have a minimum of 25 licensed beds.

(c) Required Services. Services provided at a long-term care hospital may be provided directly by the long-term care hospital or may be provided by a contract consistent with Chapter 59A-3, Florida Administrative Code. Services of a hospital within hospital provided by contract shall be

consistent with the requirements of paragraph 412.22(e)(5), Code of Federal Regulations. Long-Term care hospital services shall include, at a minimum:

1. Pre-admission screening.
2. Care for patients with multiple complex diagnoses.
3. Care for patients with multi-system failure.
4. Services for difficult-to-wean ventilator-dependent patients.
5. Services for patients who cannot be weaned from ventilator dependence.
6. Respiratory/pulmonary care.
7. Airway restoration.
8. Intensive wound care.
9. Nutrition services, including metabolic analysis, invasive enteral tube placement, and total parenteral nutrition.
10. Infusion therapy.
11. Daily physician assessments.
12. An average of at least 8 direct patient care nursing hours per patient per day.
13. Physical therapy, occupational therapy, speech therapy, and respiratory therapy.
14. Laboratory.
15. Pharmacy.
16. Radiology.
17. An operating room.

(4) Criteria for Determination of Need.

(a) New Provider. In determining the need for a new long-term care hospital, the agency shall consider the proposed facility within the context of licensed or approved long-term care hospital beds in the applicable district, and the licensed comprehensive medical rehabilitation beds, hospital-based skilled nursing unit beds, and nursing home beds in that district. The applicant proposing a new long-term care hospital shall provide documentation that these other licensed inpatient beds in the district do not meet the need for the proposed service.

(b) Limitation on Approvals. The agency will not approve more than one new long-term care hospital for a district during a review cycle. No additional long-term care hospital will be approved for a district that has an approved new provider not yet licensed.

(c) Additional Beds at Existing Long-Term Care Hospitals.

1. For letters of intent submitted between January and June, need for additional beds at an existing long-term care hospital is demonstrated if the average occupancy rate of the hospital was at least 80 percent for the 12-month period ending December 31 of the previous year. For letters of intent submitted between July and December, need for additional beds at an existing long-term care hospital is demonstrated if the average occupancy rate was at least 80 percent for the 12-month period ending June 30 of the current year.

2. For the purpose of calculating occupancy under this paragraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds located or to be located at the facility as of the end of the 12-month period.

(d) Consistency with Local Plans. Applicants shall provide evidence in their applications that a proposed long-term care hospital is consistent with the needs of the community and other criteria contained in Local Health Council Plans.

(e) Preferences Among Applicants for Long-Term Care Hospital Beds. In weighing and balancing statutory and rule review criteria, the agency will give preference to an applicant who agrees that an awarded CON will be predicated on one or both of the following conditions that are subject to annual monitoring under subsection 59C-1.013(4), F.A.C.:

1. An applicant who provides or proposes to provide Medicaid patient days as a percentage of their total patient days equal to or greater than the statewide average percentage of Medicaid patient days provided by all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report. The report may be obtained from:

Agency for Health Care Administration
Certificate of Need/Financial Analysis
2727 Mahan Drive – Mail Stop 28
Tallahassee, Florida 32308

2. An applicant who has or proposes to have a ratio of charity care deductions to net patient service revenue equal to or greater than the statewide average ratio for all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

(5) Quality of Care. Long-Term care hospital services shall comply with the agency standards applicable to long-term care hospital licensure described in Chapter 59A-3, Florida Administrative Code.

(6) Services Description. An applicant for long-term care hospital beds shall provide a detailed program description in its certificate of need application including:

(a) Characteristics of age groups to be served by age and diagnosis.

(b) Specialty programs to be provided.

(c) Proposed staffing, including qualifications of the medical director, a description of staffing appropriate for any specialty program, and a description of the training and experience requirements for all staff who will provide direct patient care.

(d) Expected sources of patient referrals. Applicants shall include evidence of transfer agreements with local hospitals indicating an intent to discharge appropriate patients to the proposed long-term care hospital.

(e) Expected average length of stay for discharges by age group.

(f) Expected discharge destination by age group.

(g) Projected number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(i) Services that will be provided by contract.

(7) Applications from Licensed Long-Term Care Hospitals. A licensed long-term care hospital seeking approval for additional inpatient beds shall provide the following information in addition to the information required by subsection (6):

(a) Number of admissions and patient days by age group and diagnosis for the 12-month period ending 1 month prior to the letter of intent deadline.

(b) Number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days, for the 12-month period ending 1 month prior to the letter of intent deadline.

(c) Gross revenues by payer source for the 12-month period ending 1 month prior to the letter of intent deadline.

(d) Current staffing.

(e) Current specialized treatment programs.

(8) Quarterly Reports. Licensed long-term care hospitals shall report to the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days by age and primary diagnosis that occurred within the quarter.

Specific Authority 408.15(8), 408.034(6) FS. Law Implemented 408.034(3), 408.036(1)(a),(b),(c),(d),(f),(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Davis, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002 and October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Board Approval of Continuing Education Providers
RULE NO.: 61G10-18.002

PURPOSE AND EFFECT: The Board proposes to amend these rules to include a provision that requires education providers to show how they are complying with subsection 61G10-18.002(1), F.A.C.

SUMMARY: Rule 61G10-18.002, F.A.C., will now include a provision that requires education providers to send the Board a copy of a summary of qualifications showing compliance with subsection 61G10-18.002(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179, 481.313 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.002 Board Approval of Continuing Education Providers.

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

(e) A summary of qualifications to demonstrate compliance with subsection 61G10-18.002(1), F.A.C.

(3) No change.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History—New 9-19-01, Amended 6-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to Dental Assistants
RULE NO.: 64B5-16.005

PURPOSE AND EFFECT: The Board proposes the amendment to update the rule with an additional remediable task that dentists may delegate to dental assistants.

SUMMARY: The proposed rule amendment would allow dental assistants under direct supervision and who have received formal training to make impressions for study casts for the purpose of passive orthodontic retainers.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.024(3) FS.

LAW IMPLEMENTED: 466.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON MARCH 29, 2003 IN JACKSONVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

(a) through (s) No change.

(t) Making impressions for study casts which are being made for the purpose of passive orthodontic retainers.

(2) through (5) No change.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Written Dental Records; Minimum Content; Retention

RULE NO.: 64B5-17.002

PURPOSE AND EFFECT: The Board proposes to update the rule with a new amendment to allow for advances in office automation procedures while safekeeping patient records.

SUMMARY: The Board's proposed rule amendment addresses the requirements for keeping patient records in an electronic data format to provide for back-up copy information, a regular schedule for the back-up system, and the ability to produce hard copies on demand.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.058, 466.028(1)(m), (o) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON MARCH 29, 2003 IN JACKSONVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) through (5) No change.

(6) Patient records may be kept in an electronic data format, provided that the dentist maintains a back-up copy of information stored in the data processing system using disk, tape or other electronic back-up system and that said back-up is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system must be capable of producing a hard copy on demand.

Specific Authority 466.004(4)(3) FS. Law Implemented 456.058, 466.028(1)(m),(o) FS. History—New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2002

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Application for Licensure Fees

RULE NO.: 64B7-27.002

PURPOSE AND EFFECT: To revise the colonic fees pursuant to the Department's examination rules.

SUMMARY: The Board proposes to amend the fees to bring them in-line with the Department's Rule 64B-1.016, F.A.C.

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

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

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.002 Application for Licensure Fees.

(1) No change.

(2) The examination fee for certification in colonic irrigation shall be ~~\$100.00~~ \$595.00. The reexamination fee for certification in colonic irrigation shall be ~~\$100.00~~ \$595.00.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1) FS. History—New 11-27-79, Amended 2-6-85, Formerly 21L-27.02, 21L-27.002, Amended 6-28-94, 11-22-94, 9-9-96, 1-29-97, Formerly 61G11-27.002, Amended 10-12-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application Fee

RULE NO.: 64B12-11.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the current rule text since examination fees are included in the Department's exam fee rule.

SUMMARY: The Board is deleting a provision setting the exam fee and declaring it refundable under certain circumstances.

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

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

SPECIFIC AUTHORITY: 484.005, 484.007(1)(a) FS.

LAW IMPLEMENTED: 484.007(1)(a) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.002 Application ~~and Examination Fees.~~

(1) The application fee shall be \$100.00, which shall be non-refundable.

~~(2) The examination fee shall be \$325.00, which is refundable if the applicant is determined to be ineligible for licensure or has failed to timely submit a completed application.~~

Specific Authority 484.005, 484.007(1)(a) FS. Law Implemented 484.007(1)(a) FS. History—New 12-6-79, Amended 6-30-82, 4-10-85, 1-7-86, Formerly 21P-11.02, Amended 7-7-87, 3-30-89, 7-3-91, Formerly 21P-11.002, 61G13-11.002, 59U-11.002, Amended 11-14-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: General Regulations; Definitions

RULE NOS.: 64F-12.001

Records of Drugs, Cosmetics and Devices

64F-12.012

Prescription Drugs; Receipt,

Storage and Security

64F-12.013

Administrative Enforcement

64F-12.024

PURPOSE AND EFFECT: To refine a definition and define a new term that facilitate recordkeeping requirements related to the wholesale distribution of prescription drugs; to impose

recordkeeping requirements on prescription drug wholesalers that are intended to assist certain purchasers of prescription drugs to determine a drug's distribution history; to require prescription drug wholesalers to review for completeness and accuracy the distribution history and other required records prior to the purchase of a prescription drug; and to provide guidelines for purposes of assessing an administrative fine for a violation of these new requirements. Inasmuch as the department is proceeding with rule development expeditiously and in good faith, and the public health threat that exists because of the recurrence of counterfeit and diverted prescription drugs in the marketplace in Florida, the department intends to enforce the provisions set forth in this notice beginning March 1, 2003. The department believes that the proposed rule will assist the department and industry in being more effective in identifying diverted or counterfeit prescription drugs prior to their consumption. The department may exercise enforcement discretion in implementing this policy, including possible changes resulting from the rule promulgation process, consistent with standards related to minimizing prescription drug fraud and the risk to public health and safety.

SUMMARY: The definition of "ongoing relationship" is being revised. This term is used with respect to an authorized distributor of record in s. 499.0121(6)(d), F.S. The definition of "affiliated group" is being added since this term will be used in the new recordkeeping requirement provisions. Additional recordkeeping and verification requirements will be imposed on prescription drug wholesalers and repackagers. Finally, guidelines are provided which the department will apply when assessing an administrative fine for a violation of these new requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The department did not prepare a statement of estimated regulatory cost.

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: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.0121(6), 499.066 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m. (EST), Tuesday, March 18, 2003

PLACE: 4025 Bald Cypress Way, Room 301, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule Chapter 64F-12, F.A.C.:

(a) No change.

(b) "Affiliated group" – means the definition set forth in sec. 1504 of the Internal Revenue Code, which is incorporated by reference.

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

~~(j)(+) "Ongoing relationship" means an association that exists between a manufacturer and prescription drug wholesaler that is currently occurring such that a specific unit of a prescription drug is purchased directly from the manufacturer by the prescription drug wholesaler. when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's product(s) for a period of time or for a number of shipments, at least one sale is made under that agreement, and the name of the authorized distributor of record is entered on the manufacturer's list of authorized distributors of record or equivalent list. An ongoing relationship may also be documented by at least three purchases of a manufacturer's product(s) directly from that manufacturer within a six month period from the date for which the authorized distributor of record relationship is claimed and the distributor's name is entered on the manufacturer's list of authorized distributors of record or equivalent list.~~

(j) through (v) renumbered (k) through (w) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-18-01,

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Any person who distributes a prescription drug that it did not manufacture must provide to each purchaser and recipient that is a wholesale distributor either:

(a) Upon the wholesale distribution, a statement on the invoice or transfer document as follows:

1. If the establishment is not a member of an affiliated group: “This establishment purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record.”

or

2. If the establishment is a member of an affiliated group: “This establishment or a member of our affiliated group that is licensed or permitted as a drug wholesaler purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record.”

or

(b) before the wholesale distribution, a written statement (“pedigree paper”) identifying each previous wholesale distribution of that unit of the drug back to the manufacturer.

(c) The pedigree papers required by s. 499.0121(6)(d) must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler) or distributor reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each prior owner of the prescription drug, consistent with (a) or (b) above; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates for all distributions subsequent to the distribution by the wholesaler, or its affiliated group member that purchased that unit of the prescription drug from the manufacturer. The pedigree paper must clearly identify the invoice to which it relates. A copy of the pedigree paper must be maintained by each recipient.

(d) For purposes of subsection (3), a repackager that purchased a specific unit of prescription drug that it repackages directly from the manufacturer must comply with paragraph (3)(a). For purposes of subsection (3), a repackager that does not obtain a specific unit of a prescription drug that it repackages directly from the manufacturer must comply with paragraph (3)(b).

(4) through (15) No change.

Specific Authority 499.05, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-18-01, _____.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) through (4) No change.

(5) Examination of Prescription Drugs.

(a) Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product,

i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected. Upon receipt a prescription drug wholesaler must review the records required to be provided by subsection 64F-12.012(3), F.A.C., related to the purchase of prescription drugs for accuracy and completeness.

(b) through (c) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-18-01, _____.

64F-12.024 Administrative Enforcement.

(1) through (3) No change.

(4) The following codes outline department policy under s. 499.066(3)(a), F.S., and are used to designate the general severity in terms of the threat to the public health for violation and the range of action which the department will initiate.

3 = Warning Letter, Letter of Violation with no fine or Notice of Violation or Administrative Complaint with a fine ranging from \$250* to \$1,000 per violation per day.

(*) If medical oxygen is the prescription drug involved, the range of the fine is \$50 to \$1,000.

2 = Notice of Violation or Administrative Complaint with a fine ranging from \$500 to \$2,500 per violation per day.

1 = Notice of Violation or Administrative Complaint with a fine ranging from \$1,000-\$5,000 per violation per day; Suspension of the permit with a fine; or Revocation of the permit with a fine.

CITE	VIOLATION	GENERAL SEVERITY
499 refers to Chapter 499, F.S. 12 refers to Rule 64F-12		
FACILITY, STORAGE:		
No change.		
MISCELLANEOUS:		
No change.		
OPERATING:		
No change.		
RECORDKEEPING:		
499.005(18); 499.0121(6); 499.028; 499.052; 499.66; 499.67;		
12.012 & 12.022(3)	Failing to maintain records, inventories	3 - 1
499.66; 499.67; & 12.012	Failing to make records available	3 - 1
499.0121(6)	Absence of or not providing pedigree papers	2
12.012(1)	Not maintaining a complete audit trail	3
12.012(12)	Separate records, multiple businesses	3
12.007(2)	No written procedures for medical oxygen	3
12.012(3)	Failing to obtain or pass on statement	1

12.013(5) Failing to examine the transaction documentation and failing to determine their accuracy 1

SAMPLES:

No change.

ADULTERATED & MISBRANDED:

No change.

COUNTERFEIT:

No change.

FALSE & MISLEADING:

No change.

UNAUTHORIZED SOURCE OR RECIPIENT:

No change.

POSSESSION:

No change.

(5) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History--New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Annie R. Neasman, R.N., M.S., Deputy Secretary for Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 7, 2003

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-4.0021	Florida Teacher Certification Examinations
6A-4.00821	Florida Educational Leadership Examination

NOTICE OF CORRECTION

Notice is hereby given that the meeting of the State Board of Education to be held on February 18, 2003, has been changed from 325 West Gaines Street, Tallahassee, Florida, to LaVilla Middle School of the Arts, 501 North Davis Street, Jacksonville, Florida. Included on the agenda are proposed Rules 6A-4.0021, Florida Teacher Certification Examinations, and 6A-4.00821, Florida Educational Leadership Examination, as advertised in Vol. 29, No. 3, January 17, 2003, Florida Administrative Weekly.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-10	Outdoor Advertising Sign Regulation and Highway Beautification Program
RULE NO.:	RULE TITLE:
14-10.0052	Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

NOTICE OF ADDITIONAL HEARING

NOTICE: An additional hearing is scheduled to discuss the changes resulting from the public hearing which was held on December 18, 2002.

The hearing is scheduled as follows:

TIME AND DATE: 9:00 a.m., April 3, 2003

PLACE: Haydon Burns Building, 605 Suwannee Street, Fourth Floor Conference Room (Room 479), Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 28, No. 48, November 22, 2002.

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE NO.:	RULE TITLE:
25-17.0832	Firm Capacity and Energy Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rulemaking to amend Rule 25-17.0832, as noticed in Vol. 27, No. 38, September 21, 2001, Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-22	Year-Round Water Conservation Measures

CORRECTED NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the Notice of Proposed Rulemaking for Chapter 40D-22, F.A.C., to update the Year-Round Water Conservation Measures published in Vol. 28, No. 47, Pages 5203 through 5213 on November 22, 2002 of the Florida Administrative Weekly. The hearing will commence upon the conclusion of the first day of the Southwest Florida Water Management District's monthly Governing Board Meeting on March 25, 2003 in the Boardroom of the Southwest Florida Water Management District's Brooksville Office at 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management, 2379 Broad Street, Brooksville, Florida 34604-6899.