

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sale and Use Tax

RULE TITLE: Admissions RULE NO.: 12A-1.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), is to clarify that, consistent with the decisions rendered in Declaratory Statement DOR 04-1-DS, dated May 7, 2004, issued to Dunedin Country Club, and Department of Revenue v. John's Island Club, Inc., 680 So.2d 475 (Fla. 1st DCA 1996), capital assessments are not subject to sales tax when they comply with the expenditure requirements contained in subparagraph (4)(a)2., of the rule. The proposed amendments clarify the definition of the term "capital assessments" for purposes of the rule.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed amendments to Rule 12A-1.005, F.A.C., which define the term "capital assessments" and clarify that capital assessments are not subject to tax when the expenditure requirements currently provided in subparagraph (4)(a)2., of the rule are met.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(1), 212.04, 212.08(6),(7), 616.260 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004
PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.005 Admissions.

(1) through (3) No change.

(4) DUES AND INITIATION FEES, EQUITY AND NONEQUITY MEMBERSHIPS, CAPITAL CONTRIBUTIONS AND ASSESSMENTS, REFUNDABLE DEPOSITS, AND USER FEES.

(a) No change.

(b) For purposes of this rule:

1. No change.

2.a. The phrases, "capital contributions or additional paid-in capital," and "capital assessments," mean equity payments that by themselves do not entitle an individual to use the facilities or equipment of an organization and that are intended as an investment to maintain or enhance members' and owners' interests in the organization.

b. The phrase "capital assessments" means payments made by members of an organization that by themselves do not entitle an individual to use the facilities or equipment of an organization and that are used solely for capital expenditures, capital improvements to the organization's facilities, or for direct allocation to debt servicing such expenditures and improvements by the organization.

(c) through (f) No change.

(5) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6),(7), 616.260 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: IMPLEMENTATION OF THE TAX ON GROSS RECEIPTS ON DRY-CLEANING FACILITIES AND DRY DROP-OFF FACILITIES RULE NOS.: 12B-11.001

Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities 12B-11.0011

Definitions 12B-11.002

Registration 12B-11.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning), is to update the rule chapter to include the provisions of Chapter 98-189, L.O.F., which imposed the tax on the gross receipts received by facilities for the laundering of clothing or other fabrics in Florida on dry drop-off facilities.

The purpose of the proposed amendments to Rule 12B-11.001, F.A.C., is to: (1) change the title to "Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities"; and (2) provide that the rule chapter implements the provisions of Section 376.71, F.S.

The purpose of the proposed amendments to Rule 12B-11.0011, F.A.C., is to: (1) change the title to "Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities"; (2) provide that a gross receipts tax at the rate of 2 percent is imposed on dry-cleaning and dry drop-off facilities for the laundering of clothing or other fabrics in Florida; (3) reorganize provisions for the implementation of the tax; (4) provide guidelines on how to document tax-exempt sales for the purposes of resale; (5) provide a suggested resale certificate; (6) provide that the guidelines provided for the liability for the tax applies to dry drop-off facilities; (7) correct examples provided as guidelines for when the gross receipts tax is due and when the dealer is required to obtain a resale certificate for tax-exempt sales for the purposes of resale; and (8) remove unnecessary provisions regarding the sale of perchloroethylene to entities exempt from sales and use tax.

The purpose of the proposed amendments to Rule 12B-11.002, F.A.C. (Definitions), is to include a definition of the term "dry-cleaning facility" for purposes of the rule chapter.

The purpose of the proposed amendments to Rule 12B-11.005, F.A.C. (Registration), is to: (1) provide that dry drop-off facilities are required to registered with the Department; and (2) provide examples of when commercial establishments are required to obtain a single registration with the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning), necessary to update the provisions to include the provisions of Chapter 98-189, L.O.F., which imposed the tax on the gross receipts received by facilities for the laundering of clothing or other fabrics in Florida on dry drop-off facilities.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS.

LAW IMPLEMENTED: 212.085, 376.301(13),(14),(15),(22), 376.70, 376.71 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-11.001 Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities.

(1) Scope. The purpose of this rule is to implement the provisions of Sections 376.301, ~~and 376.70, and 376.71, F.S. Florida Statutes~~, which impose a tax on the gross receipts of dry-cleaning facilities, hereafter referred to as the gross receipts tax or tax.

(2) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.301(13),(14),(15),(22),(7),(8),(9), 376.70, ~~376.71~~ FS. History—New 2-19-95, Amended 6-19-96, _____.

12B-11.0011 Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities.

~~(1) Dry-cleaning facilities.~~

(1)(a) A The gross receipts tax is levied at a rate of 2 percent on the total receipts received by dry-cleaning facilities, as defined in Section ~~section~~ 376.301(13), F.S. Florida Statutes, and received by dry drop-off facilities, as defined in Section 376.301(15), F.S., for the privilege of engaging in the business of ~~for the~~ dry-cleaning or laundering of clothing or other fabrics in Florida.

(b) The gross receipts tax does not apply to receipts from:

1. Coin-operated laundry machines;
2. Coin-operated dry cleaning machines, unless operated at an establishment primarily engaged in the business of dry cleaning clothing and other fabrics;
3. Laundering done on a wash, dry, and fold basis;
4. Uniform rental companies; or
5. Linen supply companies.

(2) Gross receipts arising from the charges for services subject to the gross receipts tax to any person who imposes charges to others for the same services are exempt. Dry-cleaning and dry drop-off facilities must document exempt sales made for the purposes of resale by obtaining a resale certificate from each dry-cleaning or dry drop-off facility that purchases services for purposes of resale of the same service. The selling facility is only required to obtain one resale certificate from each customer making purchases for the purposes of resale. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON LAUNDRING AND DRYCLEANING SERVICES

This is to certify that the services purchased on or after _____ (date) from _____ (name) are being purchased for the purposes of resale pursuant to Section 376.70(6), F.S.

NAME OF PURCHASING FACILITY: _____

PURCHASING FACILITY'S ADDRESS: _____

CERTIFICATE OF REGISTRATION NUMBER: _____

EFFECTIVE DATE OF CERTIFICATE: _____

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax on dry-cleaning services I will be liable for payment of the tax directly to the Department plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

SIGNATURE OF PURCHASER OR
PURCHASER'S AGENT

TITLE

DATE

~~(3)(b)1-~~ Dry-cleaning facilities and dry drop-off facilities that which include in the total retail charge to a customer the cost of the tax shall separately state the tax on the customer's bill. However, the total charged to the customer will be considered a part of the gross receipts upon which the tax is calculated. The dry-cleaning facility or dry drop-off facility remains fully and completely liable for the tax, even if the tax is separately stated as a line item or component of the total bill. When Furthermore, if the tax is separately stated as a line item or component of the customer's bill, the customer's bill is required to contain a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

~~(4)(a)1,2-a-~~ Example: ABC dry-cleaning facility's total receipts from a customer are \$100 for dry-cleaning services. The bill received by the customer indicates that the total charge is \$100. The tax rate is 2 percent. ABC dry-cleaning would remit a tax of \$2.00 to the Department, 2 percent of the \$100 charge to the customer.

~~2.b-~~ Example: ABC dry-cleaning facility's total receipts from a customer are \$102.00 for dry-cleaning services. The tax rate is 2 percent. The bill received by the customer indicates a charge of \$100 for dry-cleaning services and a separate line item charge of \$2.00 for the gross receipts tax on dry-cleaning. The total charge to the customer is \$102.00. ABC dry-cleaning would remit a tax of \$2.04 to the Department, 2 percent of the \$102.00 charge to the customer. The customer's bill is required to contain a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

~~(2) Dry drop-off facilities:~~

~~(a)1-~~ The gross receipts received at dry drop-off facilities owned by dry-cleaning facilities are subject to the tax.

~~(b)2-~~ Example: ABC Cleaners operates a dry-cleaning facility that which receives items for dry-cleaning and laundering at the main wet location. It also owns and operates three dry drop-off facilities (satellite locations) which also take in items for dry-cleaning and laundering at the dry-cleaning facility. ABC Cleaners must remit the tax on all the receipts received from its customers, including the receipts from which include the dry-cleaning facility and the three dry drop-off facilities that it owns. The three dry drop-off dry-off facilities are not required to issue a resale certificate to the dry-cleaning facility.

Calculation of the Gross Receipts Tax for ABC's locations:

Dry-cleaning facility (wet plant) receipts	\$5,000
Dry drop-off facility #1 (ABC owned) receipts	\$1,000
Dry drop-off facility #2 (ABC owned) receipts	\$1,200
Dry drop-off facility #3 (ABC owned) receipts	<u>\$1,500</u>
Total Receipts Collected	\$8,700
Tax Rate	<u>× 2.0%</u>
Tax Due <u>From ABC</u>	\$174.00

~~(b)1-~~ The gross receipts received by dry-cleaning facilities from dry drop-off facilities not owned by dry-cleaning facilities are subject to the tax.

~~(c)2-~~ Example: XYZ Cleaners operates a dry-cleaning facility that which receives items for dry-cleaning and laundering at the main wet location. It also owns and operates one dry drop-off facility (satellite location) that which also takes in items for dry-cleaning and laundering at the dry-cleaning facility. XYZ Cleaners also dry-cleans and launders items for two independent dry drop-off facilities. XYZ Cleaners must remit the tax on all the receipts received from its customers, including the receipts from which include the dry-cleaning facility and the one dry drop-off facility that it owns. In addition, the receipts collected from the two independent dry drop-off facilities are subject to the tax. The two independent dry drop-off facilities are ~~not~~ required to be registered with the Department of Revenue for the gross receipts tax and Gross Receipts Tax and are not required to issue a resale certificate to XYZ Cleaners the dry-cleaning facility. XYZ Cleaners must obtain resale certificates from the two independent dry drop-off facilities to exempt the receipts from the two independent dry drop-off facilities.

Calculation of the Gross Receipts Tax for XYZ’s locations:

Dry-cleaning facility (wet plant) receipts	\$3,000	
Dry drop-off facility #1 (XYZ owned) receipts	\$2,000	
Dry drop-off facility #1 (independent) receipts	\$1,700	
Dry drop-off facility #2 (independent) receipts	\$1,300	
Total Receipts Collected – XYZ Cleaners	\$5,000 \$8,000	
Tax Rate	× 2.0%	
Tax Due From XYZ Cleaners	\$100.00 \$160.00	
Total Receipts Collected – Independent #1	\$1700	
Tax Rate	× 2.0%	
Tax Due from Independent #1	\$34.00	
Total Receipts Collected – Independent #2	\$1300	
Tax Rate	× 2.0%	
Tax Due from Independent #2	\$26.00	

~~(e)1. The gross receipts received by dry drop-off facilities not owned by dry-cleaning facilities are not subject to tax.~~

~~(d)2. Example: DEF, a dry drop-off facility pays for XYZ, a dry-cleaning facility, to dry-clean and launder clothing for its customers. DEF is required would not have to be registered for the gross receipts tax on dry-cleaning and to Gross Receipts Tax on Dry-cleaning or issue a resale certificate to XYZ. The tax due on the transaction is on the receipts received by XYZ from DEF from its customers.~~

Calculation of the Gross Receipts Tax for DEF (dry drop-off facility) and XYZ (dry-cleaning facility):

XYZ’s receipts received from charges to DEF	\$1,000
Tax Rate	× 2.0%
XYZ’s Tax Due (Resale Certificate Received)	\$0 \$20.00
DEF’s receipts received from customers	\$1,100
Tax Rate	× 2.0%
DEF’s Tax Due	\$22.00
No tax is due on the receipts received	\$0.00

~~(3) Tax does not apply to receipts from:~~

- ~~(a) Coin-operated laundry machines;~~
- ~~(b) Laundering done on a wash, dry, and fold basis;~~
- ~~(c) Coin-operated dry-cleaning machines, unless operated at an establishment primarily engaged in the business of dry-cleaning clothing and other fabrics;~~
- ~~(d) Uniform rental companies;~~
- ~~(e) Linen supply companies.~~

~~(4) The tax is imposed upon the dry-cleaning facility for the privilege of engaging in the business of laundering and dry-cleaning clothing and other fabrics in Florida. All gross receipts attributable to sales to the following entities are subject to the tax, even when separately stated on the customer bill or sales invoice:~~

- ~~(a) The United States Government;~~
- ~~(b) The state;~~
- ~~(c) Any county;~~
- ~~(d) Any municipality;~~
- ~~(e) Any other political subdivision of the state; or~~
- ~~(f) Any of the following types of qualifying nonprofit organizations or institutions:~~
 - 1. Religious;
 - 2. Charitable;
 - 3. Educational;
 - 4. Veterans’;
 - 5. Scientific; or
 - 6. Other entity exempt from the tax imposed by Chapter 212, F.S.

~~Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 212.085, 376.301(13),(14),(15),(22), 376.70, 376.71 FS. History–New 6-19-96, Amended _____.~~

12B-11.002 Definitions.

For purposes of this rule chapter:

- (1) No change.
- (2) “Dry-cleaning facility” means a commercial establishment that operates or has at some time in the past operated for the primary purpose of dry-cleaning clothing and other fabrics utilizing a process that involves any use of dry-cleaning solvents. The term “dry-cleaning facility” includes laundry facilities that use dry-cleaning solvents as part of their cleaning process. The term does not include a facility that operates or has at some time in the past operated as a uniform rental company or a linen supply company regardless of whether the facility operates as or was previously operated as a dry-cleaning facility.
- (2) through (6) renumbered (3) through (7) No change.

~~Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.301(13),(14),(15),(22),(42), 376.70, 376.71 FS. History–New 2-19-95, Amended 6-19-96, _____.~~

12B-11.005 Registration.

(1)(a) Every person desiring to engage in or conduct business in this state as a dry-cleaning facility or a dry drop-off facility must register with the Department and obtain a certificate of registration from the Department. Dry-cleaning facilities or dry drop-off facilities operating at more than one location are only required to obtain a single certificate from the Department.

(b)1. Example: A commercial establishment that operates a dry-cleaning facility and five dry drop-off facilities would only be required to have a single registration.

2. Example: A commercial establishment that operates seven dry drop-off facilities would only be required to have a single registration.

- (2) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.70(2) FS. History—New 2-19-95, Amended 6-19-96, 4-17-03, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Imposition of the Tax
 RULE NO.: 12B-12.0031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.0031, F.A.C. (Imposition of the Tax), is to: (1) to correct the reference to the statutory definition of a “dry-cleaning facility”; (2) clarify that a licensed dealer must obtain a certificate, signed under penalty of perjury, from the transferee of perchloroethylene to demonstrate that the perchloroethylene sold is not for use in a Florida dry-cleaning facility; (3) include a perjury of penalty statement in the suggested certificate; (4) remove unnecessary provisions regarding the sale of perchloroethylene to entities exempt from sales and use tax; and (5) make necessary technical changes.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule 12B-12.0031, F.A.C., regarding the certificate that must be obtained by licensed dealers who make tax-exempt sales of perchloroethylene.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 376.301(13), 376.75 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-12.0031 Imposition of the Tax.

(1) The tax is levied on perc sold to or imported by a dry-cleaning facility, as defined in Section 376.301(13)(10), F.S., located in Florida.

(2)(a) All perc imported, produced, or sold in Florida, even if it is not sole to or imported by a dry-cleaning facility, is presumed to be subject to tax. The person importing, producing, or selling perc is required to register and become licensed with the Department.

(b)1. To demonstrate that the perc is not sold or transferred to a dry-cleaning facility for eventual use in a dry-cleaning facility located in Florida, the licensed dealer must obtain a person may rely on a certificate signed under penalty of perjury by a transferee of perc stating that the transferee does not own or operate a dry-cleaning facility or the transferee will not use the perc in a dry-cleaning facility in Florida.

2. The following is a suggested format of the certificate:

TRANSFER OR SALE
 OF PERCHLOROETHYLENE CERTIFICATE

This is to certify that the perchloroethylene transferred or sold on or after _____ (month) (day (year) from _____ (name) is not to a dry-cleaning facility.

This certificate is to continue in force until revoked by written notice to the supplier.

Under the penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true.

Purchaser _____

Address _____

By _____

(Signature)

Date _____

(3)(a) Any person selling or importing taxable perc and any other person who sells tax-paid perc, other than a retail dealer, must either:

(a)1. Separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale; or,

(b)2. Certify on the sales document that the tax has been paid.

(b) All perc sold to or used by a dry-cleaning facility is subject to tax, even if it is sold to, imported by, or caused to be imported by dry-cleaning facilities operated by:

1. The state;
2. Any county;
3. Any municipality;
4. Any other political subdivision of the state;

- ~~5. Any of the following qualifying nonprofit organizations or institutions:~~
 - ~~a. Religious;~~
 - ~~b. Charitable;~~
 - ~~c. Educational;~~
 - ~~d. Veterans’;~~
 - ~~e. Scientific; or,~~
 - ~~f. Other entity exempt from the tax imposed by Chapter 212, F.S.~~

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 376.301(13), 376.75 FS. History—New 3-18-96, Amended 1-5-00.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Description of Organization	49B-1
RULE TITLE:	RULE NO.:
Delegation of Authority by the Board of Directors	49B-1.011

PURPOSE AND EFFECT: Revise the circumstances when the General Manager, with advice or concurrence of the Board Chairman and General Counsel, can exercise delegated authority between regular Board meetings.

SUBJECT AREA TO BE ADDRESSED: Settlement of Regulatory Action, Settlement of Legal Action, Initiation of Legal Action, and referral of Amended Request for Administrative Hearing.

SPECIFIC AUTHORITY: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., August 12, 2004

PLACE: Conference Room, 111 Kelsey Lane, Suite F, Tampa, Florida

TIME AND DATE: 9:00 a.m., August 13, 2004

PLACE: Board Conference Room, 2535 Landmark Drive, Suite 211, Clearwater, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise Tampa Bay Water at least 48 hours before the program

by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2325 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

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

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Miscellaneous	49B-3
RULE TITLE:	RULE NO.:
Well Mitigation Policy	49B-3.005

PURPOSE AND EFFECT: Revise the eligibility criteria that will apply to well mitigation areas for small quantity public water supply facilities that produce 3.5 million gallons per day or less on an annual average basis.

SUBJECT AREA TO BE ADDRESSED: Tampa Bay Water’s “Good Neighbor Policy,” which is set forth in Rule 49B-3.005, F.A.C., and entitled “Well Mitigation Policy.”

SPECIFIC AUTHORITY: 163.01, 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.223(1)(b), 373.1962, 373.1963 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., August 12, 2004

PLACE: Conference Room, 111 Kelsey Lane, Suite F, Tampa, Florida

TIME AND DATE: 9:00 a.m., August 13, 2004

PLACE: Board Conference Room, 2535 Landmark Drive, Suite 211, Clearwater, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise Tampa Bay Water at least 48 hours before the program by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2325 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: Drug-Free Workplace Standards
 RULE CHAPTER NO.: 59A-24

RULE TITLE: Review of Test Results
 RULE NO.: 59A-24.008

PURPOSE AND EFFECT: Chapter 59A-24, Florida Administrative Code, is being amended to update the list of organizations that certify Medical Review Officers.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for Medical Review Officers who review drug-free workplace toxicology laboratory results.

SPECIFIC AUTHORITY: 112.0455(13)(a) FS.

LAW IMPLEMENTED: 112.0455 FS.

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

TIME AND DATE: 11:00 a.m., August 3, 2004

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet Emmett, Health Services and Facilities Consultant, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-24.008 Review of Test Results.

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

(c) ~~Beginning January 1, 1998, in~~ Medical review officers shall be certified as medical review officers by the American Association of Medical Review Officers, American Society of Addiction Medicine or the Medical Review Officer Certification Council ~~American College of Occupational and Environmental Medicine.~~

(d) through (e) No change.

(2) through (10) No change.

Specific authority 112.0455(13)(a) FS. Law Implemented 112.0455 FS. History—New 6-28-91, Formerly 10E-18.008, Amended 5-1-96, 3-11-98,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Provider Enrollment
 RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule workshop is to discuss the revision to the Florida Medicaid Provider Enrollment Application for participating in the Medicaid Program. The Florida Medicaid Provider Enrollment Application is incorporated by reference in Rule 59G-5.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: To incorporate the reference to the revised Florida Medicaid Enrollment Application.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907(9)(a) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 20, 2004

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shawn McCauley, Administrator, Bureau of Medicaid, Contract Management, 2308 Killlearn Center Blvd., Suite 200, Tallahassee, Florida 32309

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Fees
 RULE NO.: 61G6-8.001

PURPOSE AND EFFECT: The Board proposes the development of rules to determine whether changes to the fees are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a),(b), 455.217(2),(8), 455.219(1), 455.2281, 489.509, 489.511(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Education Requirements	61J1-4.001
Continuing Education	61J1-4.003
Post Licensing Education for Registered Trainee Appraisers	61J1-4.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss possible incorporation of the end-of-course item writing guidelines relating to pre-licensing, post-licensing, and continuing education, to discuss possible modification of education requirements, and to correct any inconsistencies created between the rules during the previous rule re-write.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to pre-licensing, post-licensing, and continuing education requirements for appraisal licensees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618, 475.628 FS.

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

TIME AND DATE: 10:00 a.m. or as soon thereafter as possible, August 2, 2004

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Definitions	64B9-2.001
PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.	
SUBJECT AREA TO BE ADDRESSED: Definitions related to the practice of nursing.	
SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.	
LAW IMPLEMENTED: 464.019 FS.	

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Criteria for Credentialing Agencies	64B9-3.014
PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.	
SUBJECT AREA TO BE ADDRESSED: The requirements for credentialing agencies submitting documentation of nursing education.	
SPECIFIC AUTHORITY: 464.006 FS.	
LAW IMPLEMENTED: 456.013(1), 464.008 FS.	

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLE: Examinations
 RULE NO.: 64E-2.010

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

SUBJECT AREA TO BE ADDRESSED: Examinations.

SPECIFIC AUTHORITY: 381.0011, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.27, 401.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Lesley, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: Pam_Lesley@doh.state.fl.us, Fax (850)921-8162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.010 Examinations.

(1) through (3) No change.

(4) Passing Grade – Individuals achieving the following grades on the state certification examination shall pass:

(a) EMT, 70 percent or higher.

(b) Paramedic, 80 percent or higher.

(c)1. NREMT Paramedic Assessment Examination, 70 percent or higher;

2. NREMT Paramedic Certification Examination, 70 percent or higher, and a passing score on each subpart.

(5) through (6) No change.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Private School Scholarship Compliance Form
 RULE NO.: 6A-6.03315

PURPOSE AND EFFECT: The purpose of the rule is to establish consistent reporting requirements for private schools participating in state scholarship programs. The effect is to provide consistency among Florida’s state scholarship programs by delineating requirements to which all private

schools must report compliance before they are eligible to participate and receive payments in the Opportunity Scholarship, John M. McKay Scholarship for Students with Disabilities, and Corporate Tax Credit Scholarship Programs.

SUMMARY: The rule delineates private school reporting requirements and statutory and regulatory requirements related to a private school’s location and contact information, ownership, affiliation and licensing, financial solvency, administration, staffing, programs, student health, student records, and facility. Private schools must be in full compliance with all reporting requirements before they are eligible to participate in scholarship programs and receive payments.

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: 220.187, 1002.38, 1002.39, 1002.42 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443, 607.0218, 617.0128, 623.03, 1002.38, 1002.39, 1002.42, 1003.22, 1003.23, 1006 FS.

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

TIME AND DATE: 9:00 a.m., August 17, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance Form.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, which is hereby incorporated by reference to become a part of this rule effective September 2004. This form delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership, affiliation, and licensing; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of scholarship compliance