

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification of Agriculture Education and Promotion Facility 5H-25

RULE TITLES: RULE NOS.:

Application 5H-25.001

Certification of an Agriculture Education and Promotion Facility 5H-25.002

Evaluation and Ranking 5H-25.003

Submission of Proposals 5H-25.004

PURPOSE AND EFFECT: This rule provides the procedures for the receipt and processing of applications for funding of projects according to Section 288.1175, F.S.

SUBJECT AREA TO BE ADDRESSED: This rule provides the procedure for submission and processing of applications to the department for certification, evaluation and ranking and the criteria to be used by the department to certify, evaluate and rank the submissions.

SPECIFIC AUTHORITY: 288.1175(2) FS.

LAW IMPLEMENTED: 288.1175 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.

If you are hearing or speech impaired, please contact the Department of Agriculture and Consumer Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Construction Project Consultant I, Bureau of State Farmers' Markets, Division of Marketing and Development, Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Suite 209, Tallahassee, Florida 32399-0800, (850)487-4322, Fax (850)488-9006

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5H-25.001 Application.

The application is incorporated by reference and may be obtained by contacting the Construction Project Consultant I, Division of Marketing and Development, Bureau of State Farmers' Markets, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, Phone: (850)921-1992, Fax: (850)488-9006.

Specific Authority 288.1175(2) FS. Law Implemented 288.1175 FS. History--New

5H-25.002 Certification of an Agriculture Education and Promotion Facility.

The department will apply the following criteria, in descending order:

(1) Applications for funding must be received by the Department of Agriculture and Consumer Services by close of business on October 1 of each year in order to be eligible to be certified, evaluated and ranked for submission to the Legislature. All required information must be sent by certified or registered mail, or any other delivery service which will require a signature, and received by the deadline.

(2) An eligible unit of local government must have the authority to issue General Obligation or Revenue Bonds, which includes power to levy special assessments (as defined in Section 218.369, F.S.). A fair association must meet the definition as in Section 616.001(9), F.S. Fair Associations must supply documentation verifying ownership of the property or a minimum 10-year lease for the property upon which the facility is to be constructed.

(3) Applicants must demonstrate, by sworn affidavit, that the agriculture education and promotion facility shall serve more than 25,000 visitors annually.

(4) Applicant shall submit a certified copy of the resolution of support and evidence of a public hearing that the proposed facility serves a public purpose.

(5) Documentation must be provided to verify the required 40% matching amount by copy of a resolution, budget item, permit waiver(s), in-kind services or cash donation(s). If the applicant is using the value of the land, or any improvements to the land as part or all of the matching requirement, this must be documented by providing a copy of a certified appraisal, tax assessors report or copies of paid invoices for land improvements.

(6) In order to be evaluated and ranked, an application must be certified as an Agriculture Education and Promotion Facility.

Specific Authority 288.1175(4) FS. Law Implemented 288.1175 FS. History--New

5H-25.003 Evaluation and Ranking.

The project ranking criteria will be applied as follows, in descending order:

(1) Construction of a new facility will be ranked higher than renovations to an existing facility.

(2) Matching percentage shall be calculated by dividing the local contribution by the requested amount, times 100.

(3) Applicants must submit documentation that certifies that the project facility is located in a brownfield site as defined in Section 376.79(3), F.S., a rural enterprise zone as defined in Section 290.004(8), F.S., an agriculturally depressed area as defined in Section 570.242(1), F.S., a redevelopment area established pursuant to Section 373.461(5)(g), F.S., or a county that has lost its agricultural land to environmental restoration projects.

(4) Total available exhibition or civic center space means only that space which is available for public rental.

(5) The longest history of promoting agriculture will be based on archival documentation. Archival documentation includes, but is not limited to: Advertisements, Brochures, Awards, etc. For fair associations, the longest history of promoting agriculture will be based upon the date of initial fair charter issuance.

(6) Paid attendance is the projected number of event tickets sold.

(7) In evaluating the distance from the nearest Institute of Food and Agricultural Sciences facility, applicant must submit distance in feet if less than one mile, and in tenths of a mile increments if more than one mile.

(8) In case of identical ties, the tied project proposals shall be listed in alphabetical order.

Specific Authority 288.1175(5) FS. Law Implemented 288.1175 FS. History—New _____.

5H-25.004 Submission of Proposals.

Upon the completion of the certification, evaluation and ranking, the project proposals shall be submitted to the Executive Office of the Governor, the President of the Senate and the Speaker of the House for consideration of funding.

Specific Authority 288.1175(8) FS. Law Implemented 288.1175 FS. History—New _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Definitions; Specific Exemptions	12B-5.020
Importers	12B-5.030
Carriers	12B-5.040
Terminal Suppliers	12B-5.050
Wholesalers	12B-5.060
Terminal Operators	12B-5.070
Exporters	12B-5.080
Local Government Users	12B-5.090

Mass Transit Systems	12B-5.100
Blenders	12B-5.110
Resellers and Retail Dealers	12B-5.120
Refunds	12B-5.130
Dyeing and Marking; Mixing	12B-5.140
Public Use Forms	12B-5.150
Retailer of Alternative Fuel	12B-5.200
Aviation Fuel Licenses	12B-5.300
Producers and Importers of Pollutants	12B-5.400
PURPOSE AND EFFECT: PART I TAX ON MOTOR AND DIESEL FUEL	

The purpose of the proposed amendments to Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions), is to: (1) provide definitions for the terms “enterer” and “gasoline”; and (2) provide that terminal suppliers or wholesales may obtain a credit for taxes paid on fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more.

The purpose of the proposed amendments to Rule 12B-5.030, F.A.C. (Importers), is to: (1) clarify guidelines on how to obtain, or how to renew, an annual license as an importer of fuel; (2) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (3) provide a technical reference to Rule 12B-5.060, F.A.C., for obtaining an ultimate vendor credit.

The purpose of the proposed amendments to Rule 12B-5.040, F.A.C. (Carriers), is to: (1) clarify guidelines on how to obtain, or to renew, an annual license as a carrier of fuel; (2) provide when carriers are required to file information returns with the Department; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; and (4) provide that electronic filing of information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C.

The purpose of the proposed amendments to Rule 12B-5.050, F.A.C. (Terminal Suppliers), is to: (1) clarify guidelines on how to obtain, or to renew, an annual license as a terminal supplier of fuel; (2) provide when returns and payments for taxes imposed on gasoline, gasohol, diesel, or aviation fuel are due to the Department; (3) provide the definition of the term “legal holiday,” as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that terminal suppliers who sell tax-exempt fuel to the United States government, its departments, or its agencies must accrue such taxes and obtain an ultimate vendor credit from the Department; (6) provide that terminal suppliers must accrue tax on sales of diesel fuel that is exempt from the specified taxes when used for agricultural purposes; (7) provide that terminal suppliers must complete

Schedule 12, Ultimate Vendor Credits, and file it with their Terminal Supplier Fuel Tax Return to obtain an ultimate vendor credit; and (8) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.060, F.A.C. (Wholesalers), is to: (1) clarify guidelines on how to obtain, or to renew, an annual license as a wholesaler of fuel; (2) provide that fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more for exclusive use in equipment, devices, or motors operated by the United States is exempt; (3) provide when returns and payments for taxes imposed on gasoline, gasohol, diesel, or aviation fuel are due to the Department; (4) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (6) provide that wholesalers may obtain an ultimate vendor credit for taxes paid on sales of tax-exempt undyed diesel fuel to farmers for agricultural purposes and on sales of tax-exempt fuel to the United States government, its departments, or its agencies; (7) provide that wholesalers must complete Schedule 12, Ultimate Vendor Credits, and file it with their Wholesaler/Importer Fuel Tax Return to obtain an ultimate vendor credit; and (8) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.070, F.A.C. (Terminal Operators), is to: (1) provide when terminal operators must obtain a license as a terminal operator of fuel; (2) provide guidelines on how to obtain, or to renew, an annual license as a terminal operator; (3) provide that all terminal operators are required to file an information return with the Department and when such information return is due to the Department; (4) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; and (5) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns.

The purpose of the proposed amendments to Rule 12B-5.080, F.A.C. (Exporters), is to: (1) clarify guidelines for obtaining, or renewing, an annual license as an exporter of motor fuel or diesel fuel; (2) provide when exporters are required to report their export sales to the Department and when such returns are due; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when returns and other information reports are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such returns and information reports; (5) provide that exporters who export fuel to other states must file an Application for Refund with the Department to receive a refund of Florida taxes paid on

exported fuel; (6) provide when an Application for Refund must be filed with the Department; and (7) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.090, F.A.C. (Local Government Users), is to: (1) clarify guidelines for counties, municipalities, and school districts on how to obtain a license as a local government user of diesel fuel; (2) provide when returns and payments required to be filed by local government users are due to the Department; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that local government users may take a credit, or obtain a refund, of specified taxes paid on motor fuel and the specified fuel sales tax; (6) provide that local government users must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified fuel sales tax; (7) provide guidelines on how to apply for a Fuel Tax Refund Permit; (8) provide guidelines to local government users on how to apply for a quarterly refund; (9) provide how an application for a quarterly refund must be submitted to the Department; and (10) provide technical changes.

The proposed amendments to Rule 12B-5.100, F.A.C. (Mass Transit Systems), is to: (1) clarify guidelines for mass transit systems on how to obtain a license to seek a refund of tax paid or to seek a partial exemption; (2) provide when returns and payments required to be filed by mass transit systems are due to the Department; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (5) provide that mass transit systems may obtain a refund of specified taxes paid on dyed diesel fuel; (6) provide that mass transit systems must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified diesel fuel taxes; (7) provide guidelines on how to apply for a Fuel Tax Refund Permit; (8) provide guidelines on how to apply for a quarterly refund; (9) provide when an application for a quarterly refund must be submitted to the Department; and (10) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.110, F.A.C. (Blenders), is to: (1) clarify guidelines on how to obtain a license as a blender; (2) provide when returns and payments required to be filed by blenders are due to the Department; (3) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (4) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (5) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.120, F.A.C. (Resellers and Retail Dealers), is to: (1) clarify guidelines on when retail dealers and resellers are required to register as a sales and use tax dealer; and (2) provide guidelines on how to register each place of business for sales and use tax purposes.

The purpose of the proposed amendments to Rule 12B-5.130, F.A.C. (Refunds), is to: (1) provide that any person who uses motor fuel for agricultural, aquacultural, or commercial fishing purposes may obtain a refund of specified fuel taxes; (2) provide that such persons must hold a Fuel Tax Refund Permit to seek a refund each calendar quarter for the specified motor fuel taxes; (3) provide guidelines on how to apply for a Fuel Tax Refund Permit; (4) provide guidelines on how to apply for a quarterly refund of taxes paid on motor fuel used for agricultural, aquacultural, or commercial fishing purposes; (5) provide when an application for a quarterly refund must be submitted to the Department; (6) provide guidelines on when the Department will grant a refund of tax paid on undyed diesel fuel consumed by vehicles that use fuel to turn a concrete mixer drum or for compacting solid waste, or for undyed diesel fuel consumed by a power take-off engine exhaust for unloading bulk cargo by pumping; (7) define the term "full load pump-off"; (8) provide formula to determine the number of pump-offs; (9) provide guidelines on when a refund of fuel tax paid on undyed diesel fuel used in off-road stationary equipment or in self-propelled off-road equipment will be granted by the Department; (10) provide guidelines on when a refund of fuel tax paid on undyed diesel fuel used to operate a refrigeration unit or other equipment located on a commercial motor vehicle will be granted by the Department; (11) provide guidelines on when an application for such refund must be filed with the Department and the recordkeeping requirements for making such application to the Department; (12) provide guidelines for when dealers who sell dyed diesel fuel for use in vessels are required to collect sales tax, plus any applicable discretionary sales surtax, or are required to obtain an exemption certificate from a qualified purchaser; (13) provide guidelines to purchasers of undyed diesel fuel used in noncommercial vessels on how to obtain an annual refund of taxes paid on fuel used for such purposes from the Department; (14) provide guidelines to purchasers of undyed diesel fuel used in qualified motor coaches on how to obtain an annual refund of taxes paid on fuel used for such purposes from the Department; (15) remove provisions regarding the partial exemption from sales tax and discretionary sales surtax that are provided in ss. 212.08(4)(a)2. and 212.054(2)(b)4., F.S., and Rule 12A-1.0641, F.A.C.; and (16) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.140, F.A.C. (Dyeing and Marking; Mixing), is to: (1) provide that a licensed terminal supplier, importer, or wholesaler of fuel must obtain a refund authorization number from the Department to receive a refund of taxes paid on fuel that has been mixed with dyed diesel fuel in storage; (2) provide guidelines on how to

obtain a refund of such taxes; (3) provide when an application for refund must be filed with the Department; (4) provide that dye in any fuel storage facility that is not properly marked is in violation of s. 206.8741, F.S., and subject to the penalty imposed under s. 206.872(11), F.S.; and (5) provide technical changes.

The purpose of the proposed amendments to Rule 12B-5.150, F.A.C., is to: (1) change the title to "Public Use Forms"; (2) to adopt, by reference, forms used by the Department in the administration of Florida fuel taxes; and (3) to remove the adoption, by reference, of forms that are no longer used by the Department or that do not meet the definition of a "rule," as defined in Section 120.52(15), F.S.

PART II TAX ON ALTERNATIVE FUEL

The purpose of the proposed amendments to Rule 12B-5.200, F.A.C., is to: (1) change the title of the rule to "Retailer of Alternative Fuel"; (2) clarify guidelines on how to obtain a license as a retailer of alternative fuel; (3) provide that sales of alternative fuel are subject to sales tax; (4) provide when returns and payments required to be filed by retailers of alternative fuel are due to the Department; (5) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (6) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (7) provide technical changes.

PART III TAX ON AVIATION FUEL AND KEROSENE

The purpose of the proposed amendments to Rule 12B-5.300, F.A.C. (Aviation Fuel Licenses), is to: (1) provide that the sale of aviation fuel to the United States government, its departments, or its agencies is exempt; (2) provide that terminal suppliers must report tax due on undyed kerosene delivered to a residence for home heating or cooking and may obtain an ultimate vendor credit from the Department for tax paid on such kerosene; (3) provide that terminal suppliers and wholesalers who deliver undyed kerosene to retail dealers for resale to consumers to be used for home heating and cooking may obtain an ultimate vendor credit from the Department for tax paid on such kerosene; (3) provide that terminal suppliers must complete Schedule 12, Ultimate Vendor Credits, and file it with their Terminal Supplier Fuel Tax Return to obtain an ultimate vendor credit; (4) provide that wholesalers must complete Schedule 12 and file it with their Wholesaler/Importer Fuel Tax Return to obtain an ultimate vendor credit; (5) provide that resellers who make sales of undyed kerosene without payment of the aviation fuel tax are subject to the specified penalties; (6) clarify when returns reporting aviation fuel taxes are required to be filed; (7) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (8) provide guidelines to air carriers on how to apply for a quarterly refund

of aviation fuel tax paid for wages paid to certain employees and when an application for refund must be submitted to the Department; (9) remove provisions regarding the proration of aviation fuel by air carriers rendered obsolete on July 1, 2000, by the repeal of proration provisions from s. 212.0598, F.S.; (10) provide guidelines to fixed base operators on how to obtain a refund of aviation fuel taxes paid on aviation fuel sold to the United States government, its departments, or its agencies and when an application for refund must be filed with the Department; (11) clarify guidelines on how to obtain, or to renew, an annual license to operate as a commercial air carrier in Florida; (12) provide when commercial air carriers are required to report and pay aviation fuel taxes; (13) provide when returns and payments are due to the Department; (14) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (15) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; and (16) provide technical changes.

PART IV TAX ON POLLUTANTS

The purpose of the proposed amendments to Rule 12B-5.400, F.A.C. (Producers and Importers of Pollutants), is to: (1) clarify guidelines on how to obtain, or to renew, an annual license as an importer or producer of taxable pollutants; (2) clarify that the United States government, its departments, and its agencies are exempt from the tax due on pollutants; (3) remove obsolete effective tax rates for the Coastal Protection Tax, the Inland Protection Tax, and the Water Quality Assurance Tax; (4) provide when an importer or producer of pollutants is required to file a return and to pay the taxes due on pollutants; (5) provide when payments and returns are due to the Department; (6) provide the definition of the term "legal holiday," as defined in s. 7503 of the Internal Revenue Code of 1986, as amended; (7) provide that when payments or returns are required to be submitted electronically, the provisions of Rule Chapter 12-24, F.A.C., apply to such payments or returns; (8) clarify provisions for taking a credit of pollutant tax; (9) provide that an application for pollutant tax refund must be filed with the Department for each calendar quarter; (10) provide guidelines on how to file an application for a refund of pollutant tax with the Department; and (11) provide technical changes.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed amendments to the provisions of Rule Chapter 12B-5, F.A.C., Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants.

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 206.8745(6), 206.97, 206.9915, 213.06(1) FS.

LAW IMPLEMENTED: 206.01, 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.03, 206.04, 206.041, 206.05, 206.051, 206.052, 206.054, 206.055, 206.09, 206.095, 206.11(1)(d), 206.199, 206.20, 206.204, 206.205, 206.404,

206.41, 206.413, 206.414, 206.416, 206.43, 206.44, 206.48, 206.485, 206.62, 206.64, 206.645, 206.62, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8741, 206.8745, 206.877, 206.89, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9825, 206.9835, 206.9865, 206.9875, 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943, 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., July 27, 2005

PLACE: Room 118, Carlton Building, 501 South 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 Office 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: Ron Gay, Senior Tax Specialist, and Lynwood Taylor, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-2577

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I TAX ON MOTOR AND DIESEL FUEL

12B-5.020 Definitions; Specific Exemptions.

(1) DEFINITIONS.

(a) through (b) No change.

(c) "Enterer" means the importer of record with respect to fuel. However, if the importer of record is acting as an agent (e.g., the importer of record is a customs broker engaged by the owner of the fuel), the person for whom the agent is acting is the enterer. If there is no importer of record for fuel entered into Florida, the enterer is the owner of the fuel at the time the fuel is brought into Florida.

(d)(e) No change.

(e) "Gasoline" means any mixture used as a fuel in spark-ignition, internal combustion engines, which has an octane number not less than 75 and a lead content not greater than 0.05 grams per gallon.

(d) through (g) renumbered (f) through (i) No change.

(2) EXEMPTIONS.

(a) Sales of Fuel to the United States Government.

1. Fuel sold to the United States Government, its departments, or its agencies, in quantities of 500 gallons or more in each delivery, for exclusive use in equipment, devices,

or motors operated by the United States is exempt from tax. This exemption does not apply to sales of fuel delivered to service stations or other outlets for resale.

~~2. The exemption provided in paragraph (a) will not apply to sales of fuel to the United States where the fuel is delivered to service stations or other outlets for resale.~~

~~2.3. No change.~~

~~3.4. Terminal suppliers or wholesalers may obtain apply for a refund or take a credit for of taxes paid on fuel sold to the United States federal government, its departments, or its agencies in quantities of 500 gallons or more, as provided in subsection (6) of Rule 12B-5.050, F.A.C., and subsection (6) of Rule 12B-5.060, F.A.C.~~

~~(b) through (c) No change.~~

Specific Authority 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.41(4)(b), 206.62, 206.874, 206.97 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.030 Importers.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

~~1. To obtain an annual a license as an importer, or to renew an annual license, every a person must file Form with the Department form DR-156, (Florida Fuel Tax Application (incorporated by reference in Rule 12B-5.150, F.A.C., and the required attachments with the Department, as provided in the application) under oath, which meets all requirements specified in Section 206.02(2), F.S.~~

~~2. Each initial or renewal The application must be accompanied by will require payment of a \$30 license fee.~~

~~3. Each License will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.~~

~~(b) No change.~~

(3) RETURNS AND REGULATIONS.

~~(a) Licensed importers of gasoline, gasohol, diesel, or aviation fuel are required to will report all taxes imposed by Chapter 206, F.S., on a form DR-309632, Wholesaler/Importer Fuel Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.), as provided in subsection (5) of Rule 12B-5.060, F.A.C. See filing requirements for wholesalers in Rule 12B-5.060, F.A.C.~~

~~(b) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

~~1. Payment of the tax is required to be made by electronic means: Importers are required to file data elements and schedules contained in the Wholesaler/Importer Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~2. Any return for reporting taxes is required to be submitted by electronic means: Importers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~3. No tax is due with a return for reporting tax: or Deferral requests will be granted by the Department when an importer can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

~~4. Any information report is required to be submitted by electronic means.~~

~~(4) REFUNDS AND CREDITS. Refunds and credits Credits and refunds to importers are authorized only under the provisions for refunds and credits authorized to wholesalers. Importers may obtain an ultimate vendor credit for tax paid in the same manner as wholesalers, as provided in subsection (6) of Rule 12B-5.060, F.A.C. See 12B-5.130.~~

~~(5) No change.~~

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01(3), 206.02, 206.026, 206.027, 206.028, 206.03, 206.05, 206.051, 206.054, 206.43, 206.48(2), 206.485, 206.9835 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.040 Carriers.

(1) LICENSING.

~~(a)(1) Any person transporting fuel for sale or for others in vehicles capable of hauling quantities of 500 gallons or more in this State, must hold a valid have an unrevoked license as a carrier of motor fuel or diesel fuel issued by the Department to engage in such business.~~

~~(b) To obtain an annual license, or to renew an annual license, every person must file a Florida Fuel Tax Application (form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.~~

~~(c) Each initial or renewal application must be accompanied by a \$30 license fee.~~

(2) INFORMATION RETURNS.

~~(a)(2) Carriers are required to will file Form on a report form DR-309637, Petroleum Carrier Information Return (incorporated by reference in Rule 12B-5.150, F.A.C.): Carriers must remit reports to the Department of Revenue on or before by the 20th twentieth day of each month for the previous months activity during the previous month. If the 20th day falls on a Saturday, Sunday, or a legal holiday, returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule section, a legal holiday means will mean a holiday that which is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the; Internal Revenue Code; of 1986, as amended and in effect on January 1, 1996, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal~~

Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b)(3)~~ Electronic filing of information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C. Media Filing.

~~(a)~~ Carriers are required to file data elements and schedules contained in the Petroleum Carrier Information Return by magnetic tape, computer disk, or a telephone modem.

~~(b)1.~~ Carriers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

2. Deferral requests will be granted by the Department when a carrier can demonstrate the inability to complete the necessary computer program change by the date the information is due.

~~(3)(4)~~ No change.

Specific Authority 206.14(1), 206.59(1), 206.97, 206.9915, 213.06(1) FS. Law Implemented 206.021, 206.09, 206.199, 206.20, 206.204, 206.205, 206.485 FS. History—New 7-1-96, Amended 11-21-96, _____.

12B-5.050 Terminal Suppliers.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. Before any person may engage in business as a terminal supplier within this state, such person must first obtain, and be the holder of a valid ~~an unrevoked~~ terminal supplier license issued by the Department of Revenue.

2. To obtain an annual ~~a~~ license, or to renew an annual license, as a terminal supplier, every ~~a~~ person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application department an application under oath and in such form as prescribed by the department, which meets all requirements specified in Section 206.02(2), F.S.

3. Each initial or renewal ~~The~~ application must be accompanied by ~~will require payment of~~ a \$30 license fee.

4. ~~Each license will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.~~

~~4.5.~~ Terminal suppliers ~~that who~~ import or export tax-paid fuel are not required to obtain an importer or exporter license.

~~5.6.~~ Any terminal operator ~~that who~~ owns fuel at a terminal is required to be licensed as a terminal supplier.

(b) Bonding.

1. Prior to becoming licensed, each new terminal supplier applicant must submit, to the ~~Department~~ department, a bond which equals 3 times the estimated average monthly fuel tax levied under Chapter 206, F.S., for each type of fuel ~~that which~~

will be sold, but such bond will not exceed a maximum of \$100,000 for each product type (motor fuel, diesel, and aviation fuel).

2. ~~A~~ All terminal supplier that has ~~suppliers who have~~ filed bonds of less than \$100,000 for each product type (motor fuel, diesel, and aviation fuel) will be notified by the ~~Department~~ department when ~~its their~~ liability increases to an amount ~~that which~~ requires an increase in ~~its bond their initial~~ bonds filed.

(3) EXEMPT SALES.

(a) Sales of Fuel to the United States Government. ~~The exemption provided in subparagraph 1. is not allowed on sales by terminal suppliers when fuel is delivered to retail dealers located on governmental installations.~~

1. Terminal suppliers ~~that who~~ sell fuel in quantities of 500 gallons or more per delivery to the United States Government, its departments, ~~or its~~ agencies are not required to collect tax on such sales. This exemption does not apply when fuel is delivered to retail dealers located on governmental installations.

(b) through (c) No change.

(4) TAXABLE SALES.

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

2. Dyed Diesel Fuel. Terminal suppliers who sell dyed diesel fuel ~~that which~~ will be used for business purposes as ~~defined in paragraph 12B-5.020(1)(b), F.A.C.~~, are not required to collect sales tax on such sales.

(5) RETURNS AND REGULATIONS.

(a) All terminal suppliers ~~that who~~ sell gasoline, gasohol, diesel, or aviation fuel are required to will report and remit all taxes imposed by Chapter 206, F.S., on a Terminal Supplier Fuel Tax Return (Form DR-309631, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month to the Department of Revenue monthly. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b) Form DR-309631, Terminal Supplier Fuel Tax Return must be filed by terminal suppliers by the 20th day of the month following a month in which transactions occur.~~

~~(e) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.~~

~~(b)(4)~~ No change.

~~(e)1. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

~~2. For purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.~~

~~(c)(f) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

~~1. Payment of the tax is required to be made by electronic means; Terminal suppliers are required to file data elements and schedules contained in the Terminal Supplier Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~2. Any return for reporting taxes is required to be submitted by electronic means; Terminal suppliers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a terminal supplier can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

~~4. Any information report is required to be submitted by electronic means.~~

~~(6) REFUNDS AND CREDITS.~~

~~(a) Sales of Fuel to the United States Government.~~

~~1. Terminal suppliers that who sell fuel to the United States Government, its departments, or its agencies exempt from taxes imposed under Sections ss: 206.41 and 206.87, F.S., must accrue all such taxes and may obtain, but may take an ultimate vendor credit for the taxes accrued when their Terminal Supplier Tax Returns are filed.~~

~~2. To obtain an ultimate vendor credit, terminal Terminal suppliers claiming ultimate vendor credits that exceed their liability must complete Schedule apply for a refund of the excess credits by completing schedule 12, (DR 309642, Ultimate Vendor Credits (incorporated by reference in Rule 12B-5.150, F.A.C.) of form DR309631 (Terminal Supplier Fuel Tax Return) with the amount of credit listed on the face of the return. Schedule 12 is required to be filed with the Terminal Supplier Fuel Tax Return, as indicated on the return.~~

~~(b) Motor and Diesel Fuel Used for Agricultural Purposes.~~

1. Sales by terminal Terminal suppliers of who sell taxable diesel fuel to persons for agricultural uses as provided in pursuant to Rule 12B-5.020(2)(e)1., F.A.C., are will sell such fuel exempt from the local option fuel tax, the state comprehensive transportation system tax, and the fuel sales tax imposed by Section 206.41(1)(e), (f), and (g), F.S. Local Option Fuel Tax, State Comprehensive Transportation System Tax, and Fuel Sales Tax.

2. A terminal supplier must accrue tax on all sales of taxable diesel fuel. A terminal supplier may sell taxable diesel fuel exempt for agricultural purposes, but they must accrue all taxes imposed under Section s: 206.87, F.S. To obtain The terminal supplier may take an ultimate vendor credit for the tax accrued, terminal suppliers must complete Schedule 12, Ultimate Vendor Credits (Form DR-309642). Schedule 12 is required to be filed with when the Terminal Supplier Tax Return, as indicated on the form is filed.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01, 206.02, 206.05, 206.09, 206.41, 206.413, 206.414, 206.43, 206.48, 206.485, 206.62, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.97, 206.9815, 206.9941, 206.9942, 212.0501, 212.08(9) FS. History--New 7-1-96, Amended 11-21-96, 10-27-98,_____.

12B-5.060 Wholesalers.

(1) No change.

(2) LICENSING AND BONDING.

(a) To obtain an annual a license as a wholesaler, or to renew an annual license, a person must will file a with the Department form DR-156 (Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application under oath, which is incorporated in Rule 12B-5.150, F.A.C., by reference, meeting all requirements specified in s. 206.02, F.S. A wholesaler is not required to have a business location in this State.

(b) through (e) No change.

(3) EXEMPT SALES.

(a) Fuel sold to the United States government, its departments, or its agencies Government in quantities of 500 gallons or more in each delivery, for exclusive use in equipment, devices, or motors operated by the United States is exempt.

(b) through (d) No change.

(4) TAXABLE SALES.

(a) through (b) No change.

(c) Sale of Dyed Diesel Fuel for Business Purposes. Wholesalers who sell dyed diesel fuel that which will be used for business purposes as defined in paragraph 12B-5.020(1)(b), F.A.C., of this rule are not required to collect sales tax on such sales.

(5) RETURNS AND REGULATIONS.

(a) All wholesalers who sell gasoline, gasohol, diesel, or aviation fuel are required to will report and remit all taxes imposed by Chapter 206, F.S., on a Wholesales/Importer Fuel

Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month to the Department of Revenue monthly. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b) Wholesalers must file form DR 309632, Wholesaler/Importer Fuel Tax Return, and supporting schedules by the 20th day of the month following a month in which transactions occur.~~

~~(e) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.~~

~~(b)(d) No change.~~

~~(e)1. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

~~2. For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.~~

~~(c)(f) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.~~

~~1. Payment of the tax is required to be made by electronic means; Wholesalers are required to file data elements and schedules contained in the Wholesaler/Importer Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

~~2. Any return for reporting tax is required to be submitted by electronic means; Wholesalers who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

~~3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a wholesaler can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

4. Any information report is required to be submitted by electronic means.

(6) REFUNDS AND CREDITS.

(a) Wholesalers that sell undyed diesel fuel to farmers for agricultural purposes tax exempt, as provided in Rule 12B-5.020, F.A.C., may obtain an ultimate vendor credit for the taxes paid when their Wholesaler/Importer Fuel Tax Returns (Form DR-309632) are filed will be authorized an ultimate vendor credit for taxes paid on taxable diesel fuel sold for agricultural uses pursuant to 12B-5.020.

(b) Wholesalers that sell fuel will be authorized an ultimate vendor credit for taxes paid on taxable diesel fuel sold to the United States government, or its departments, or its agencies in bulk lots of not less than 500 gallons in each delivery exempt from the taxes imposed under Sections 206.41 and 206.87, F.S., may obtain an ultimate vendor credit for the taxes paid when their Wholesaler/Importer Fuel Tax Returns (Form DR-309632) are filed.

(c) To obtain an Wholesalers claiming ultimate vendor credit, wholesalers must complete Schedule credits that exceed their liability must apply for a refund of the excess credits by completing schedule 12, (DR 309642, Ultimate Vendor Credits (Form DR-309642, incorporated by reference in Rule 12B-5.150, F.A.C.) of form DR309632 (Wholesaler/Importer Fuel Tax Return), with the amount of credit listed on the face of the return. Schedule 12 is required to be filed with the Wholesaler/Importer Fuel Tax Return, as indicated on the return.

Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) FS. Law Implemented 206.01(6), 206.02, 206.05, 206.404, 206.43, 206.48, 206.485, 206.86, 206.89, 206.90, 206.91, 206.9825 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98,_____.

12B-5.070 Terminal Operators.

(1) LICENSING. Licensed terminal operators will report all fuel transactions to the Department on form DR 309636, Terminal Operator Information Return.

(a) Before any person may engage in business as a terminal operator within this state, such person must hold a valid terminal operator license. Terminal operators who own fuel sold or transferred through a terminal must also be licensed as a terminal supplier. See Rule 12B-5.050, F.A.C.

(b) To obtain an annual license, or to renew an annual license, as a terminal operator, a person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.

(c) Each initial or renewal application must be accompanied by a \$30 license fee for each terminal location operated.

(2) INFORMATION RETURNS. Terminal operators who own fuel sold or transferred through a terminal must be licensed as a terminal supplier.

(a) All terminal operators who operate terminals in this state are required file a Terminal Operator Information Return (Form DR-309636, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of each month for transactions occurring during the previous month. A separate return is required for each terminal location. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b)(3) Electronic filing of information returns must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C. Media Filing.

(a) Terminal operators are required to file data elements and schedules contained in the Terminal Operator Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

(b)1. Terminal operators who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

2. Deferral requests will be granted by the Department when a terminal operator can demonstrate the inability to complete the necessary computer program change by the date the information is due.

Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) FS. Law Implemented 206.01(19), 206.022, 206.095, 206.485, 206.872 FS. History—New 7-1-96, Amended 11-21-96, _____.

12B-5.080 Exporters.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. Before any person may engage in business as an exporter, such person must hold a valid first obtain, and be the holder of an unrevoked exporter license as an exporter of motor fuel or diesel fuel issued by the Department of Revenue.

2. Persons who buy fuel within Florida either in or outside Florida, and who sell the such fuel to Florida customers must be licensed as wholesalers. See Rule 12B-5.060, F.A.C.

(b)1. To obtain an annual a license, or to renew an annual license, as an exporter, a person must file an with the Department form DR-156 (Application for Florida Fuel License (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the

Department, as provided in the application which is incorporated by reference in Rule Section 12B-5.150, F.A.C., and which meets all requirements specified in s. 206.02(2), F.S.

2. Each initial or renewal The application must be accompanied by will require payment of a \$30 license fee.

3. Each license will be renewed annually by renewal application, and each renewal requires the payment of an annual \$30 renewal fee.

(c) No change.

(3) RETURNS AND REGULATIONS.

(a)1. Licensed exporters of gasoline, gasohol, diesel, or aviation fuel are required to will report all gallons of fuel exported from Florida taxes imposed by Chapter 206, F.S., on an form DR-309638, Exporter Fuel Tax Return (Form DR-309638, incorporated by reference in Rule 12B-5.150, F.A.C.). Licensed exporters that who are also licensed as wholesalers are not required to report file form DR-309638; instead, they show their export sales on a exports on their Wholesaler/Importer Fuel Tax Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.).

2. All exporters who sell gasoline, gasohol, diesel, or aviation fuel will report and remit all taxes imposed by Chapter 206, F.S., to the Department of Revenue monthly.

(b) Form DR-309638, Exporter Tax Return, and Form DR-309632, Wholesaler/Importer Fuel Tax Return, as applicable, must be filed on or before filed by exporters by the 20th day of the month following a month in which export transactions occur. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule section, a legal holiday means will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(e) Where payment is required by electronic funds transfer, the tax will be remitted as provided by Rule 12-24, F.A.C., and the return must also be filed by the 20th day of the month.

(c)(d) Electronic filing of returns and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Any return for reporting the export is required to be submitted by electronic means; or Exporters are required to file data elements and schedules contained in the Exporter Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any information report is required to be submitted by electronic means. Exporters who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. ~~Deferral requests will be granted by the Department when an exporter can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

(4) No change.

(5) REFUNDS AND CREDITS.

(a) Exporters who export fuel to other states on which Florida tax has been paid may obtain ~~apply for~~ a refund of Florida taxes paid. To receive a refund of Florida tax paid, an exporter must file an ~~by submitting form DR-26, Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department from the State of Florida Department of Revenue, and providing invoices of such purchases and sales, and copies of the tax return filed in the state of destination. Form DR-26 must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.~~

(b) Copies of invoices for purchases and sales of fuel exported outside Florida and copies of the tax returns filed in the state of destination are required to be submitted with the application for refund.

~~(c)~~(b) No change.

(6) No change.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.01(21), 206.02, 206.03, 206.04, 206.05, 206.051, 206.052, 206.41, 206.416, 206.43, 206.48, 206.485, 206.62, 206.87, 206.90, 206.91, 209.97, 206.9915 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98,

12B-5.090 Local Government Users.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. All counties, municipalities, ~~and~~ school districts, and nonpublic schools seeking refunds or partial exemptions from the state must be licensed as Local Government Users.

2. To obtain a license as a Local Government User of diesel fuel, a county, municipality, school district, or nonpublic school counties, municipalities, and school districts must file a ~~with the Department an application under oath, form DR-156 (Florida Fuel Tax Application (Form DR-156, as a: Wholesaler of Alternative Fuel, Local Government User of Diesel Fuel, Mass Transit Systems), which is incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with,~~ and in such form as prescribed by the Department, as provided in the application.

3. There is no application fee or license fee.

(b) No change.

(3) RETURNS AND REGULATIONS.

~~(a) Local Government Users are required to file a Local Government User of Diesel Fuel Tax Return (Form DR-309634, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department on or before the 20th day of each month following the month in which the use of fuel occurs will report, and remit tax to the Department of Revenue monthly. If the 20th day of the month falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

2. ~~The return filed is form DR-309634, Local Government User of Fuel Tax Return, and is due by the 20th day of a month following the month in which the use of fuel occurs.~~

3. ~~If the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

4. ~~For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.~~

(b) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-

1. Payment of the tax is required to be made by electronic means; ~~Local Government Users are required to file data elements and schedules contained in the Local Government User of Diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.~~

2. Any return for reporting tax is required to be submitted by electronic means; ~~Local Government Users who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.~~

3. ~~No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Local Government User can demonstrate the inability to complete the necessary computer program change by the date the information is due.~~

4. Any information report is required to be submitted by electronic means.

(4) REFUNDS AND CREDITS.

(a) When filing a Local Government User of Diesel Fuel Tax Return (Form DR-309634, incorporated by reference in Rule 12B-5.150, F.A.C.), a county, municipality, or school district will be required to pay 3 cents of the 4 cent excise tax under Section s. 206.87(1)(a), F.S., the ninth-cent fuel tax under Section s. 206.87(1)(b), F.S., the local option fuel tax under Section s. 206.87(1)(c), F.S., and the state comprehensive enhanced transportation system tax under Section s. 206.87(1)(d), F.S., on dyed diesel fuel used in vehicles owned or operated by the county, municipality, or school district. Local government users may take a credit, or obtain a refund, of taxes paid on motor fuel under Section 206.41(1)(b), F.S., and the fuel sales tax imposed under Section 206.41(1)(g)1., F.S., when filing the return.

(b)1. Any county, municipality, or school district, which is not licensed as a local government user, that uses tax-paid diesel fuel, gasoline, or gasohol in vehicles operated on the highways, may seek a refund each calendar quarter for the fuel sales tax imposed under Section 206.41(1)(b) and (g), F.S., for gasoline and gasohol and 1 cent of the tax imposed under Section 206.87(1)(a) and all of the tax imposed under Section 206.87(1)(b), F.S., on diesel fuel. Counties, municipalities, and school districts who file the Local Government User Fuel Tax Return, and who elect to take a credit of taxes paid on motor fuel may deduct the 1 cent County Fuel Tax under s. 206.41(1)(b), and the Fuel Sales Tax under s. 206.41(1)(g)1., F.S., from their tax liability when the return is filed.

2. Prior to qualifying for a refund of taxes paid, counties, municipalities, or school districts and nonpublic schools are required to file an Application for Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) and obtain a Fuel Tax Refund Permit (Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.) issued by the Department. Counties seeking a refund of taxes paid on motor fuel, must file a quarterly tax refund return, form DR-189, Application for Fuel Tax Refund, Municipalities, Counties and School Districts, to obtain such refund.

3. To apply for the refund, a county, municipality, or school district that holds a valid refund permit is required to file an Application for Fuel Tax Refund, Municipalities, Counties and School Districts (Form DR-189, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department. Form DR-189 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-189 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is

submitted with the application and the prior quarter's refund application was timely submitted to the Department. Prior to qualifying for a refund of taxes paid on motor fuel, counties, municipalities, and school districts who use gasoline or gasohol in vehicles, are required to obtain a refund permit, by filing form DR-185, Application for Refund Permit with the Department of Revenue.

4. Any nonpublic school operating schools buses that holds a valid refund permit is required to file an Application for Fuel Tax Refund Non-Public Schools (Form DR-190, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department. Form DR-190 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-190 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.41(4), 206.86(11), 206.874(4) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.100 Mass Transit Systems.

(1) No change.

(2) LICENSING AND BONDING REQUIREMENTS.

(a) Licensing.

1. Mass transit systems seeking refunds from the state or partial exemption must hold a valid license as Mass Transit Systems License.

2. To obtain a Mass Transit Systems License System license, a person persons must file a with the Department an application under oath, form DR-156 (Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application as a Wholesaler of Alternative Fuel, Local Government User of Diesel Fuel, Mass Transit System), which is incorporated in Rule 12B-5.150, F.A.C., and in such forms prescribed by the Department.

3. There is no application fee or license fee.

(3) RETURNS AND REGULATIONS.

(a)1- Mass Transit Systems are required to file a Mass Transit System Provider Fuel Tax Return (Form DR-309633, incorporated by reference in Rule 12B-5.150, F.A.C.) and remit the tax due on or before the 20th day of the month following the month in which the use of fuel occurs will report, and remit tax to the Department of Revenue monthly. If the 20th day of the month falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal

Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

2. The return filed is form DR 309633, Mass Transit System Provider Fuel Tax Return, and is due by the 20th day of a month following the month in which taxable uses of fuel occur.

3. If the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

4. For the purpose of this rule section, a legal holiday will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule.

(b) Electronic filing of payments, returns, and information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Payment of the tax is required to be made by electronic means; Mass Transit Systems are required to file data elements and schedules contained in the Local Government User of Diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Mass Transit Systems who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Mass Transit System can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(4) REFUNDS AND CREDITS.

(a) When filing a return, a Mass Transit System will be required to pay the excise tax Excise Tax under Section s. 206.87(1)(a), F.S., and the ninth-cent fuel tax Ninth-cent Fuel Tax under Section s. 206.87(1)(b), F.S., on dyed diesel fuel used in vehicles owned or operated by the system.

2.(b) Any mass transit system provider, which is not licensed as a Mass Transit System, that uses undyed diesel fuel, gasoline, or gasohol in vehicles operated on the highways, may seek a refund each calendar quarter for the fuel taxes imposed under Section 206.41(1)(e), (f), and (g), F.S., or Section 206.87(1)(c),(d) and (e), F.S. Mass Transit Systems filing returns, who elect to take a credit of taxes paid on motor fuel may deduct the Local Option Fuel Tax under s. 206.41(1)(e),

F.S., the SCETS Tax under s. 206.41(1)(f), F.S., and the fuel sales tax under s. 206.41(1)(g), F.S., from their tax liability when the return is filed.

(b)2. Prior to qualifying for a refund of taxes paid, a Mass Transit System is required to file an Application for Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) and obtain a Fuel Tax Refund Permit (Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.) issued by the Department to obtain such refunds. Mass Transit Systems seeking a refund of taxes paid on motor fuel, must file the quarterly tax refund return, form DR 160, Application for City transit Fuel Tax Refund, to obtain such refund.

3. A Mass Transit System that holds a valid refund permit is required to file an Application for Fuel Tax Refund-Mass Transit System Users (Form DR-160, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department to obtain such refunds. Form DR-160 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month from the date the DR-160 is due when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department. Prior to qualifying for a refund of taxes paid on motor fuel, Mass Transit Systems who use gasoline or gasohol in vehicles, are required to obtain a refund permit, by filing form DR-185, Application for Refund Permit with the Department of Revenue.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.041(4), 206.86(12), 206.874(5)(a) FS. History--New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.110 Blenders.

(1) GENERAL INFORMATION.

(a) through (b) No change.

(c)1. To obtain a license as blender, every person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.

2. Each initial or renewal application must be accompanied by a \$30 license fee.

(d)(e) No change.

(2) RETURNS AND REGULATIONS.

(a) through (b) No change.

(c) Any person who is licensed as a blender is required to file a only will report and remit all taxes imposed by Chapter 206, F.S., to the Department of Revenue monthly. Form DR 309635, Blender/Wholesaler of Alternative Fuel Tax Return (Form DR-309635, incorporated by reference in Rule 12B-5.150, F.A.C.); on or before must be filed by blenders by the 20th day of the month following a month in which

transactions occur. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule ~~section~~, a legal holiday means will mean a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended ~~and in effect on January 1, 1996, which is incorporated by reference in this rule.~~ A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(d) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing.

1. Payment of the tax is required to be made by electronic means: Blenders are required to file data elements and schedules contained in the diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means: Blenders who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Blender can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

Specific Authority 206.14(1), 206.59(1), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.02(3), 206.48(1), 206.485, 206.86(7), 206.87(2)(e) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.120 Resellers and Retail Dealers.

(1) Any ~~Before any~~ person ~~desiring to may~~ engage in the business of selling motor fuel or diesel fuel at retail or reselling tax-paid fuel to retailers or end users, ~~such person~~ must register with the Department and obtain a separate sales and use tax certificate of registration for each place of ~~be the holder of an unrevoked Sales and use Tax Certificate of Registration, issued by the Department to engage in such business.~~

(2)(a) Registration with the Department for purposes of sales and use tax is available by using one of the following methods: To obtain a license as a reseller or retail dealer of motor fuel or diesel fuel, a person must complete an Application for Sales and use Tax Registration (Form DR-1), which is incorporated by reference in Rule 12A-1.097(2), F.A.C.

1. Registering through the Department’s Internet site at the address shown in the parentheses (<http://www.myflorida.com/dor>) using the Department’s “e-Services” without payment of a registration fee; or

2. Filing an Application to Collect and/or Report Tax in Florida (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the form, and the required \$5 registration fee.

(b) A separate application is required for each place of business. Resellers and Retail dealers must pay a separate registration fee of \$5 and file a separate application (Form DR-1) for each place of business in this state.

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.404, 206.41(5), 206.414, 206.43, 206.44, 206.86, 212.18(3) FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.130 Refunds.

(1) FUEL USED FOR AGRICULTURAL, AQUACULTURAL, AND COMMERCIAL FISHING PURPOSES.

(a)1. Any person ~~Persons~~ who ~~purchases~~ purchase motor fuel used in any tractor, vehicle, or other equipment ~~that~~ which is used exclusively on a farm for planting, cultivating, harvesting, or processing farm products for sale, may obtain ~~are entitled to~~ a refund of local option, state comprehensive enhanced transportation system, and fuel sales taxes paid under Section 206.41(1)(e), (f), and (g), F.S.

2. Persons using motor fuel or diesel fuel in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, and sponges from the salt or fresh waters of Florida for sale are entitled to a refund of local option, state comprehensive enhanced transportation system, municipal fuel tax, and fuel sales taxes paid under Section 206.41(1)(c), (e), (f), and (g), F.S., and Section 206.87(1)(c), (d), and (e), F.S.

(b)2. Prior to ~~qualifying for obtaining~~ a refund of taxes paid on motor fuel used for agricultural, aquacultural, and commercial fishing purposes, every person is required to file an Application for Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department and obtain a Fuel Tax Refund Permit (Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.) persons must obtain a refund permit from this department.

(c)(b) Persons seeking a refund of taxes paid on motor fuel for agricultural, aquacultural, and commercial fishing purposes must file an Refunds authorized by this subsection will be issued quarterly, and persons requesting refunds of taxes paid on fuel used for agricultural purposes must file quarterly refund returns (Form DR-138, Application for Fuel Tax Refund – Agricultural, Aquacultural, Agriculture and Commercial Fishing Purposes (Form DR-138, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department and submit the original invoices with the returns. Form DR-138 must be filed for each calendar quarter no later than the last day

of the month immediately following the calendar quarter for which the refund is claimed. The filing date may be extended one additional month when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

(2) ~~UNDYED DIESEL FUEL USED FOR OFF-ROAD PURPOSES OR OTHER EXEMPT PURPOSES USED IN POWER TAKE OFF UNITS.~~

(a) When undyed diesel fuel is consumed by a power take-off unit or engine exhaust for the purpose of turning a concrete mixer drum, for compacting solid waste, or for unloading bulk cargo by pumping, and such power take-off unit or engine exhaust which is mounted on a motor vehicle that, and such vehicle has no separate fuel tank, tax paid on the diesel fuel will be refunded is subject to a refund as follows:

1. ~~A The refund of tax paid on undyed diesel fuel consumed by vehicles which use fuel to turn a concrete mixer drum or for compacting solid waste, will be granted on thirty-five percent of the gallons consumed by vehicles that use fuel to turn a concrete mixer drum or for compacting solid waste such vehicle. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund of fuel tax paid. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. The gallons which are subject to refund shall be taxable under Part I of Chapter 212, F.S.~~

2.a. ~~A The refund of the tax paid on undyed diesel fuel that is consumed by a power take off unit or engine exhaust for unloading bulk cargo, will be granted on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off or engine exhaust for the purpose of unloading bulk cargo by pumping of fuel tax paid. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.~~

b. For purposes of this section, a full load pump-off means the unloading of at least 54,000 pounds of dry bulk cargo or its equivalent in gallons using a power take-off or engine exhaust. Persons subject to refund under this subparagraph will use Schedule D1 (Full Load Pump-off Product List), of Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (incorporated by reference in Rule 12B-5.130, F.A.C.) to determine the number of gallons that would be considered a full load for a given product. Initial refunds for products that are not incorporated into Schedule D1 will require

documentation to verify the number of gallons that make up a full load to be submitted to the Department with Form DR-309639.

c. The number of pump-offs will be determined by using the following formula:

Gallons or Pounds Unloaded ÷ Full Load Pump Off (as defined above) = Number of Pump-Offs.

d. Vehicles using gasoline do not qualify for this refund.

(b) A refund of fuel tax on undyed diesel fuel will be granted when the fuel is used in off-road stationary equipment or in self-propelled off-road equipment. A refund will not be granted when the fuel is used to operate equipment on the highways. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon of fuel that is eligible for a refund of fuel taxes paid. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.

(c) A refund of fuel tax paid on undyed diesel fuel will be granted when the fuel is used to operate a refrigeration unit or other equipment located on a commercial motor vehicle and the fuel is placed into a separate tank that is not connected to the fuel supply system of the commercial motor vehicle. Undyed diesel fuel used to operate a refrigeration unit or other equipment on a commercial motor vehicle operated by a licensed common carrier for use in interstate or foreign commerce is subject to sales tax based on the partial exemption provided in Section 212.08(9)(b), F.S., and discretionary sales surtax as provided in Section 212.054(2)(b)4., F.S. Sales tax and surtax due is calculated based on the carrier's mileage apportionment factor. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. See Rules 12A-1.064 and 12A-15.013, F.A.C.

(b)1. ~~In order to apply for a refund, a purchaser must have obtained a sales tax registration from the Department of Revenue.~~

(d)1.2. ~~Persons seeking a refund of tax paid on undyed diesel for off-road or other exempt purposes must file Form DR-309639, refunds under this subsection are required to submit form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other other Exempt Purposes.~~

2.3. ~~The Department will reduce the amount of fuel tax refund due by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant. Original invoices or certified copies of invoices obtained from suppliers must be retained by persons electing to file form DR-309639 and must~~

be made available when requested by the Department for audit purposes, but are not required to be submitted with the return when filed.

~~(c)(e)~~ An invoice or delivery ticket issued will be made by the seller at the time each motor vehicle is refueled must and will provide accurate information as to the date, the number of gallons placed in the fuel tanks of the motor vehicle, the motor vehicle number or tag number in the event the motor vehicle is not numbered, and the seller's license or registration number. Documentation to All internal records which provide information regarding as to fuel consumption is required to shall be maintained by the purchaser until tax imposed under Chapter 206, F.S., may no longer be determined and assessed under Section 95.091, F.S. purchasers for audit review.

(3) No change.

~~(4) FUEL USED FOR COMMERCIAL FISHING PURPOSES IN FLORIDA WATERS.~~

~~(a)1. Persons using motor fuel exclusively for the purpose of operating boats, vessels, or equipment for the taking of aquatic life from salt or fresh waters of Florida for resale, are entitled to a refund of local option, state comprehensive enhanced transportation system, and fuel sales taxes paid under ss. 206.41(1)(e), (f), (g), and 206.87(1)(e), (d), and (e), F.S., and the municipal gas tax imposed under s. 206.41(1)(e).~~

~~2. Prior to obtaining a refund of taxes paid, persons must obtain a refund permit from this department.~~

~~(b) Refunds authorized by this subsection will be issued quarterly, and persons requesting refunds of taxes paid on fuel used for commercial fishing purposes must file quarterly refund returns (Form DR-138, Application for Fuel Tax Refund Agriculture and Commercial Fishing Purposes) and submit the original invoices with the returns.~~

~~(5) SALE OF DIESEL FUEL FOR BUSINESS PURPOSES.~~

~~(a) Undyed Diesel Fuel.~~

~~1.a. Any person using undyed diesel fuel for business purposes, other than for use on a farm for farming purposes, as defined in Rule 12B-5.020(1)(b), F.A.C., may obtain a refund of fuel taxes paid under s. 206.87, F.S.~~

~~b. To obtain a refund under this paragraph, a person must provide proof to the Department that sales tax was paid on undyed diesel fuel used for business purposes.~~

~~(b)1. Persons eligible for refunds under this subsection may elect to file either form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for off-Road or Other Exempt Purposes, monthly, or form DR-26, Application for Refund from the State of Florida Department of Revenue.~~

~~2. Taxpayers electing to file form DR-309639 will use the form to deduct the sales tax owed from the fuel tax paid to suppliers on undyed diesel fuel consumed by a trade or business.~~

~~3. Any fuel tax paid in excess of the sales tax due will be refunded to the taxpayer.~~

~~4. Original invoices or certified copies of invoices obtained from suppliers must be retained by persons electing to file form DR-309639 and must be made available when requested by the Department for audit purposes, but are not required to be submitted with the return when filed.~~

~~5. Persons making the election under this paragraph must continue to provide original invoices or certified copies of invoices with form DR-26, when filed.~~

~~(4)(6) DIESEL FUEL SOLD FOR USE IN VESSELS.~~

~~(a) Dyed Diesel Fuel.~~

~~1. The sale of dyed Dyed diesel fuel sold for use in any vessel not engaged in interstate or foreign commerce is subject to sales tax and discretionary sales surtax imposed by Chapter 212, F.S., and which must be collected by the selling dealer is required to collect the applicable sales tax and surtax. See Rule 12A-1.059, F.A.C.~~

~~2.a. The sale of dyed Dyed diesel fuel sold for use in a vessel used to transport persons or property for hire in interstate or foreign commerce or for use in commercial fishing vessels is subject to the sales tax partial exemption provided in Section 212.08(4)(a)2., F.S., and subject to discretionary sales surtax, as provided in Section 212.054(2)(b)4., F.S. proration of the tax imposed by Chapter 212, F.S., only to the extent provided herein. Dealers who sell dyed diesel fuel for use in such vessels are required to collect the applicable sales tax and surtax due or to obtain a certificate, as provided in Rule 12A-1.064, F.A.C., from a qualifying purchaser stating that the fuel will be used in a vessel operated by a licensed carrier in interstate or foreign commerce or used in a vessel for commercial fishing purposes. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio shall be applied each month to the total Florida purchases of dyed diesel fuel which are used in Florida to establish that portion of the total used and consumed within this state and subject to the tax under Chapter 212, F.S. Dyed diesel fuel used exclusively in intrastate commerce does not qualify for proration of tax.~~

~~b. Prior to claiming the partial exemption, persons operating vessels which transport persons or property in intrastate commerce and interstate or foreign commerce who make any purchase of dyed diesel fuel must register as dealers with the Department and extend in writing at the time of purchase a resale certified in lieu of tax, stating the specific reasons for exemption. Vessels which operate on the canals or inland waterways of Florida are deemed to be engaged in intrastate commerce. However, mileage of such vessels from the territorial limit to port dockside and return into international waters, foreign or coastwise, in the continuous movement of persons or property in interstate or foreign commerce, is not considered to be mileage in Florida.~~

e. In addition, the partial exemption of dyed diesel fuel used to transport persons or property in interstate or foreign commerce shall not be allowed unless the purchaser signs an affidavit stating that the item or items to be partially exempted are for the exclusive use designated herein, not used for pleasure purposes, and setting forth the extent of such partial exemption.

3. Persons operating vessels which transport persons or property exclusively in interstate or foreign commerce may, in lieu of registering as a dealer, furnish vendors with a signed statement that they do not operate on or in the canals or inland waterways of Florida. Mileage of vessels from the territorial limit to port dockside and return into international waters is not considered to be mileage in Florida.

4. A suggested affidavit is presented in subsection (7), below for fuel used in interstate and foreign commerce.

(b) Undyed diesel fuel sold to a purchaser ~~Undyed diesel fuel sold for use on a noncommercial vessel in vessels~~ is subject to the fuel taxes imposed under Section s. 206.87(1), F.S. ~~The purchaser may obtain a refund of diesel fuel tax paid as follows: The purchaser may apply for a refund, which shall be the difference between the fuel taxes imposed under s. 206.87(1), F.S., and the sales tax and discretionary sales surtax imposed under Chapter 212, F.S. To obtain the refund, owners are required to file form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off Road or Other Exempt Purposes, and subject to restrictions provided in Section 206.8745(7), F.S.~~

1. The purchaser must purchase 2,500 gallons or more of diesel fuel for use in a noncommercial vessel per calendar year. No refund will be allowed on purchases of less than 2,500 gallons per calendar year.

2. The purchaser must file an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.), prior to April 1 of the year subsequent to each calendar year in which the diesel fuel tax was paid. The purchaser is entitled to file only one application per calendar year.

3. The purchaser is required to submit original invoices showing the amount of taxes paid with the application. Form DR-26 must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. The purchaser is required to pay the sales tax, plus any applicable discretionary sales surtax. The Department will reduce the amount of refund due on tax-paid diesel fuel used for exempt purposes by the amount of sales tax and discretionary sales surtax due.

(5) UNDYED DIESEL FUEL CONSUMED BY CERTAIN MOTOR COACHES.

(a) Undyed diesel fuel sold in this state that is consumed by the engine of a qualified motor coach, as defined in Section 206.8745(8), F.S., during idle time for the purpose of running climate control systems and maintaining electrical systems is subject to a refund of fuel tax paid.

(b) The purchaser of fuel used for such purpose may obtain a refund of diesel fuel tax paid as follows:

1. The purchaser must file an Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (Form DR-309640, incorporated by reference in Rule 12B-5.150, F.A.C.), prior to April 1 of the year subsequent to each calendar year in which the diesel fuel tax was paid. The purchaser is entitled to file only one application per calendar year.

2. The purchaser is required to submit with the application originals or copies of invoices showing the amount of taxes paid. In lieu of invoices or copies of invoices, the purchaser may submit the Schedule of Fuel Consumed During Idle Time in Florida (Part III of Form DR-309640) and the Schedule of Undyed Diesel Fuel Purchased in Florida for Use in a Motor Coach (Part IV of Form DR-309640).

3. The purchaser is required to pay sales tax, plus any applicable discretionary sales surtax. The Department will reduce the amount of fuel tax refund by the amount of sales tax, plus any applicable discretionary sales surtax, due.

~~(7) The following is a suggested affidavit form to be used when purchasing items appropriate to carry out the purpose for which a commercial vessel used to transport persons or property in interstate or foreign commerce is designed, equipped, and used:~~

~~AFFIDAVIT FOR PURCHASING FUEL APPROPRIATE TO CARRY OUT THE PURPOSE FOR WHICH A VESSEL IS DESIGNED, EQUIPPED, AND USED~~

~~I, _____, as owner, owner's agent, or operator of the commercial vessel, Home Port of _____ CERTIFY THAT:~~

~~1. The fuel purchased from the vendor listed below (copy of purchase invoice attached) is to be used only on the named vessel to transport persons or property in interstate or foreign commerce and is appropriate to carry out the purpose for which the vessel is designed, equipped, and used.~~

~~2. The fuel is purchased for use only on board this vessel (Check appropriate item)~~

~~() This vessel has not operated and will not operate on the canals or inland waterways or otherwise within the territorial waters of Florida.~~

~~() This vessel will operate in both non-Florida and Florida waters and will report Florida Sales Tax in accordance with Rule 12A-1.064, F.A.C.~~

~~Dealer's Certificate of Registration Number: _____~~

This statement is issued in compliance with Rule 12A-1.064, Florida Administrative Code, in order to exempt or partially exempt this purchase from Florida Sales and use Taxes. This certification will continue in force until revoked by written notice to the vendor and the Department of Revenue.

Vendor's Name _____ Signed _____
Date _____

Sworn to and subscribed before me this ____ day of _____, A.D., 19__

Notary Public

(Seal)

My Commission Expires _____

Cross Reference-Rules 12A-1.059 and 12A-1.0641, F.A.C.

Specific Authority 206.14(1), 206.59(1), 206.8745(6), 213.06(1) FS. Law Implemented 206.41(4),(5), 206.43(5),(6), 206.64, 206.8745, 206.97 FS. History-New 7-1-96, Amended 11-21-96, 10-27-98, _____.

12B-5.140 Dyeing and Marking; Mixing.

(1) Marking and Dyeing.

~~(a)1. The Beginning July 1, 1996, and thereafter, the dyeing and marking of diesel fuel will follow the requirements of 48.4082-1, Treasury Regulations; (hereby incorporated by reference in this rule), and shall conform to the requirements pursuant to the Environmental Protection Agency's high sulfur diesel fuel requirements as found in 40 CFR 80.29 in effect on July 1, 1996 (hereby which is also incorporated by reference in this rule).~~

~~2. On or after July 1, 1996, when expressly authorized by law, any amendments to either 48.4082-1 of the Treasury Regulations, or the Environmental Protection Agency's Code Section 40 CFR 80.29 shall be given effect under this rule in such manner and for such periods as are prescribed in such regulation or code, to the same extent as if such amendment had been adopted by the Legislature of this State.~~

~~3. The Department will notify all fuel tax licensees of changes in 48.4082-1, Treasury Regulations, and in Section 40 CFR 80.29, of Environmental Protection Agency's Code on or before December 31 of each year.~~

(2) Mixing.

~~(a)1. A licensed terminal supplier, importer, or wholesaler that which holds title to taxable diesel fuel that which has been mixed with dyed diesel fuel in storage may qualify for claim a refund of or credit for any state and local option tax paid on the taxable diesel fuel as follows:-~~

~~1.2. The To qualify for a refund or credit, the terminal supplier, importer, or wholesaler must contact the Department of Revenue at (850)488-7268 within 24 hours of the misfueling incident that caused the mixing of dyed diesel fuel with taxable diesel fuel to, and must obtain a refund authorization number. The terminal supplier, importer, or wholesaler must report the following information:~~

~~3. To obtain a refund authorization number, the terminal supplier, importer, or wholesaler must report the following:~~

~~a. through h. No change.~~

~~2.(b) Prior to granting a refund authorization number, the The Department of Revenue will may investigate the circumstances of the misfueling incident and the handling of the mixed dyed diesel fuel with taxable diesel fuel; prior to granting the refund authorization number.~~

~~(b) To obtain a refund of tax paid on diesel fuel, the terminal supplier, importer, or wholesaler holding a refund authorization number must file an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26 must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.~~

~~(c)1. The discovery by the Department of Revenue of dye in any fuel storage facility that is not properly marked for off highway or other exempt use as dyed fuel, will be prima facie evidence of a violation of Section 206.8741, F.S., and subject to the penalty imposed under Section 206.872(11), F.S. this rule, and not subject to refund or credit, unless the misfueling incident has been previously reported as provided under this section.~~

~~2. Unless the misfueling incident has been previously reported, persons found in violation of the marking provisions will be subject to a penalty of the greater of \$10 for each gallon of diesel fuel involved or \$1,000, and no refund of tax paid on the diesel fuel will be granted.~~

Specific Authority 206.14(1), 206.59(1), 206.8741(1), 213.06(1) FS. Law Implemented 206.8741, 206.8745(3) FS. History-New 7-1-96, Amended 11-21-96, _____.

12B-5.150 Public Use Forms Used by Public.

~~(1)(a) The following public use forms and instructions are utilized by the Department of Revenue, dated below, and are hereby incorporated and made part of this rule by reference in this rule. The instructions on the forms listed below have the same authority as the rules.~~

~~(b) Copies may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally~~

obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. For those with other disabilities, please inform the Department as to how your inquiry may be reasonably accommodated.

Form Number	Title	Effective Date
(1) DR-110	Pollutants License R. 8/96	11/96
(2) DR-114	Fuel License R. 4/96	11/96
(1)(3) DR-138	Application for Fuel Tax Refund-Agriculture, Aquacultural, and Commercial Fishing Purposes (R. 03/05) R. 8/96	11/96
(2)(4) DR-156	Florida Fuel Tax Application (R. 01/05) R. 1/98	1/98
(3) DR-156R	Florida Fuel Tax Renewal Application (R. 01/05)	_____
(4)(5) DR-157	Fuel Tax Surety Bond (R. 08/03) R. 2/96	11/96
(5)(6) DR-157A	Assignment of Time Deposit (R. 08/03) R. 8/96	11/96
(6)(7) DR-157B	Fuel Tax Cash Bond (R. 08/03) R. 8/96	11/96
(7) DR-157W	Bond Instructions (R. 01/04)	_____
(8) DR-160	Application for Fuel Tax Refund Mass Transit System Users (R. 03/05) Tax Refund R. 8/96	11/96
(9) DR-161	Refund Application Schedule of Purchases for Tax Paid Purchases Only (R. 01/05) R. 8/96	11/96
(10) DR-166	Florida Pollutant Tax Application (R. 01/05) R. 1/98	1/98

(11) DR-166R	Renewal Application for Pollutant or Air Carrier License (N. 08/03)	_____
(12) DR-176	Application for Air Carrier Fuel Tax License (N. 01/05)	_____
(13)(14) DR-179	Corporate Surety Bond Form Applicant for Motor or Diesel Fuel Tax Refund for Refund Permit Applicant (R. 09/97) R. 8/96	11/96
(12) DR-181	License Card for Vehicle or Vessel R. 8/96	11/96
(14)(13) DR-182	Florida Air Carrier Fuel Tax Return (R. 02/05) R. 1/96	11/96
(14) DR-182AC	Florida Air Carrier Fuel Tax Return R. 1/96	11/96
(15) DR-185	Application for Refund Permit (R. 06/04) R. 8/96	11/96
(16) DR-189	Application for Fuel Tax Refund Municipalities, Counties and School Districts (R. 03/05) R. 8/96	11/96
(17) DR-190	Application for Fuel Tax Refund Non-Public Schools (R. 03/05) R. 8/96	11/96
(18) DR-191	Application for Aviation Fuel Tax Refund-Air Carriers (R. 03/04) R. 8/96	11/96
(19) DR-192	Refund Permit R. 8/96	11/96
(19) DR-248	Alternative Fuel Use Permit Application and Order Form (R. 08/03) R. 8/96	11/96
(20) DR-248R	Alternative Fuel Decal Rates for 2004 (R. 11/04)	_____

(21)DR-249	Alternative Fuel Use Permit R. 8/96	11/96	(31)(34) DR-309635N	Instructions for Filing Blender/ Retailer of Alternative Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96
(22)DR-249A	Alternative Fuel Use Permit 8/96	11/96	(32)(35) DR-309636	Terminal Operator Information Return <u>(R. 01/05) N. 7/96</u>	11/96
(23)DR-249B	Alternative Fuel Use Permit R. 8/96	11/96	(33)(36) DR-309636N	Instructions for Filing Terminal Operator Information Return <u>(R. 01/05) N. 7/96</u>	11/96
(21)(24) DR-904	Pollutants Tax Return <u>(R. 03/05)</u> R. 8/96	11/96	(34)(37) DR-309637	Petroleum Carrier Information Return <u>(R. 01/05) N. 7/96</u>	11/96
(22)(25) DR-309631	Terminal Supplier Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(35)(38) DR-309637N	Instructions for Filing Petroleum Carrier Information Return <u>(R. 01/05) N. 7/96</u>	11/96
(23)(26) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(36)(39) DR-309638	Exporter Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96
(24)(27) DR-309632	Wholesaler/ Importer Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(37)(40) DR-309638N	Instructions for Filing Exporter Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96
(25)(28) DR-309632N	Instructions for Filing Wholesaler /Importer Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(38)(41) DR-309639	Application for Return of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (<u>with</u> <u>Instructions</u>) <u>(R. _____) N. 7/96</u>	11/96
(26)(29) DR-309633	Mass Transit System Provider Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(39) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida <u>(R. 01/05)</u>	
(27)(30) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(40)(42) DR-309641	Gasoline/Gasohol Local Option Schedule by County <u>(R. 01/05) R. 9/96</u>	11/96
(28)(31) DR-309634	Local Government User of Diesel Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96	(41)(43) DR-309642	Ultimate Vendor Credits <u>(R. 01/05) R. 7/96</u>	11/96
(29)(32) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96			
(30)(33) DR-309635	Blender/Retailer Wholesaler of Alternative Fuel Tax Return <u>(R. 01/05) N. 7/96</u>	11/96			

(42)(44) DR-309643	Mass Transit and Local Government User-Schedule of Receipts (R. 01/05) N. 7/96	_____ 11/96
(43)(45) DR-309644	Local Government User-Schedule of Disbursements (N. 01/05) N. 7/96	_____ 11/96
(44) DR-309660	Application for Pollutant Tax Refund (N. _____)	_____

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History--New 11-21-96, Amended 10-27-98,

PART II
TAX ON ALTERNATIVE FUEL

12B-5.200 ~~Retailers Wholesalers~~ of Alternative Fuel.

(1) GENERAL INFORMATION.

(a) Persons who purchase for resale, import or store alternative fuel in a ~~storage~~ facility other than at a terminal, and who place any portion of alternative fuel purchased, imported, or stored into the fuel supply system of a motor vehicle must obtain a license as a ~~Retailer Wholesaler~~ of Alternative Fuel.

(b) ~~Retailers Wholesalers~~ of Alternative Fuel may:

1. through 5. No change.

(2) LICENSING AND BONDING.

(a) To obtain an annual a license as a ~~Retailer Wholesaler~~ of Alternative Fuel, every a person must will file a ~~form DR-156~~, Florida Fuel Tax Application (~~form DR-156, which is incorporated by reference in Rule 12B-5.150, F.A.C.); and the required attachments with the Department, as provided in the application under oath, meeting all requirements specified in s. 206.89, F.S.~~

2. Each initial or renewal application must be accompanied by a \$5 registration fee.

(b) Persons that hold valid licenses as wholesalers already licensed as Wholesalers pursuant to ~~Section s.~~ 206.02, F.S., are not required to obtain a separate license be licensed as a ~~Retailer Wholesaler~~ of Alternative Fuel.

(c) Bonds of ~~Retailers Wholesalers~~ of Alternative Fuel will be computed at three times the average monthly liability of fuel that which is placed into the supply system of vehicles registered in a state other than Florida.

(3) FUELING OF A VEHICLE WITH FLORIDA DECAL.

(a) In lieu of paying fuel taxes on the purchase of alternative fuel that which is placed into the supply tank of a vehicle registered in Florida, all owners or operators of vehicles powered by alternative fuels are required to obtain an annual will acquire a valid Alternative Fuels Decal for each

qualified vehicle from the Department of Revenue. The owners or operators of qualified such vehicles are required to will pay an annual decal fee on each such motor vehicle, as provided in Section in accordance with the rate schedule under s. 206.877, F.S., which is based on specifications pursuant to s. 320.08, F.S.

(b) In addition to the annual alternative decal fee, the sale of alternative fuel is subject to sales tax imposed under Chapter 212, F.S. See Rule 12A-1.059, F.A.C.

(4) FUELING OF A VEHICLE WITH NO FLORIDA DECAL.

(a) No change.

(b) ~~Retailers Wholesalers~~ of Alternative Fuel who place alternative fuel in vehicles that are registered in a State other than Florida, are required to collect and remit all taxes imposed under ~~Section s.~~ 206.87, F.S.

(c) No change.

(5) RETURNS AND REGULATIONS.

~~(a) Licensed Retailers Wholesalers of Alternative Fuel are required to file a will report taxes collected on alternative fuel that which is placed into vehicles powered by alternative fuel on form DR-309635, Blender/Retailer Wholesaler of Alternative Fuel Tax Return (Form DR-309630, incorporated by reference in Rule 12B-5.150, F.A.C.), by the 20th day of the month following a month in which transactions of placing fuel into vehicles powered by alternative fuel occur.~~

~~2- If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday.~~

~~(b) For the purpose of this rule section, a legal holiday means will mean a holiday that which is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and s. 7503 of the, Internal Revenue Code, of 1986, as amended and in effect on 1/1/96, which is incorporated by reference in this rule. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.~~

~~(b)(e) Electronic filing of payments, returns, and other required information reports must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-~~

1. Payment of the tax is required to be made by electronic means; Wholesalers of Alternative Fuel are required to file data elements and schedules contained in the diesel Fuel Tax Return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Wholesalers of Alternative Fuel who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with a return for reporting tax; or Deferral requests will be granted by the Department when a Wholesaler of Alternative Fuel can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

Specific Authority 206.14(1), 206.59(1), 206.877, 213.06(1) FS. Law Implemented 206.485, 206.877, 206.89 FS. History—New 11-21-96, Amended 10-27-98, _____.

PART III

TAX ON AVIATION FUEL AND KEROSENE

12B-5.300 Aviation Fuel Licensees.

(1) No change.

(2) GENERAL INFORMATION.

(a) 1. through 3. No change.

4. Bonding. Prior to becoming licensed, each new terminal supplier applicant must submit, to the Department, a bond, as provided in paragraph (2)(b) of Rule under the provisions of section 12B-5.050(2)(b), F.A.C., of this rule.

(b) Wholesalers of Aviation Fuel or Undyed Kerosene.

1. Any person Persons who stores store aviation fuel or undyed kerosene for sale in Florida in a facility other than at a terminal registered with the Internal Revenue Service must hold a valid license as obtain a wholesaler license. See Rule 12B-5.060, F.A.C.

2. through 3. No change.

4. Bonding. Prior to becoming licensed, each new wholesaler applicant must submit, to the Department, a bond, as provided in paragraph (2)(c) of Rule an amount which is determined by the provisions of rule section 12B-5.060(2)(e), F.A.C., of this rule.

(c) Importers of Aviation Fuel or Undyed Kerosene.

1. Every person Persons who imports import aviation fuel or undyed kerosene into Florida, by common or private carrier, upon which Florida tax has not been charged or collected must hold a valid obtain a license as a wholesaler and as an importer. See Rules 12B-5.030 and 12B-5.060, F.A.C.

2. Importers must first be licensed as wholesalers in this State.

2.3. Bonding. Prior to becoming licensed, each new exporter importer applicant must submit, to the Department, a bond, as provided in paragraph (2)(b) of Rule 12B-5.030, F.A.C an amount which is determined by the provisions of rule paragraph 12B-5.030(2)(b) of this rule.

(d) Exporters of Aviation Fuel or Undyed Kerosene.

1. through 2. No change.

3. Bonding. Prior to becoming licensed, each new importer applicant must submit, to the Department, a bond, as provided in paragraph (2)(c) of Rule 12B-5.080, F.A.C. an amount which is determined by the provisions of rule section 12B-5.080(2)(e) of this rule.

(e) Carriers of Aviation Fuel or Undyed Kerosene.

1. Any person who transports All persons transporting aviation fuel or undyed kerosene within this State must hold a valid license as a have an unrevoked carrier licensed issued by the Department. See Rule 12B-5.040, F.A.C.

2. through 3. No change.

(3) EXEMPT SALES.

(a) Sales of Aviation Fuel to the United States Government. The sale by terminal suppliers and wholesalers of aviation fuel or undyed kerosene in quantities of 500 gallons or more per delivery to the United States Government, its departments, or its agencies is exempt from tax.

(b) through (c) No change.

(d) Sales of Undyed Kerosene for Home Heating or Cooking.

1. Terminal suppliers who deliver undyed kerosene to a residence for home heating or cooking must accrue assess themselves the 6.9 cents excise tax due on the number of gallons delivered on its, but may take an ultimate vendor credit for the amount of tax assessed when form DR-309631, Terminal Supplier Fuel Tax Return (Form DR-309631, incorporated by reference in Rule 12B-5.150, F.A.C.) is filed. To obtain a credit for tax accrued, terminal suppliers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642, incorporated by reference in Rule 12B-5.150, F.A.C.) and submit it to the Department with Form DR-309631.

2. Wholesalers that who deliver tax-paid undyed kerosene to a residence for home heating and cooking may obtain a take an ultimate vendor credit for the 6.9 cents excise tax paid to suppliers when filing their on form DR-309632, Wholesaler/Importer Fuel Tax Returns Return (Form DR-309632, incorporated by reference in Rule 12B-5.150, F.A.C.) when filed. To obtain a credit for tax paid, wholesalers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642), and submit it with Form DR-309632.

3. No change.

4. Terminal suppliers and wholesalers who deliver undyed kerosene to retail dealers for resale of such fuel exclusively for home heating and cooking may obtain a take an ultimate vendor credit for tax paid on the number of gallons delivered. To obtain a credit for tax paid, terminal suppliers and wholesalers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642). Terminal suppliers must submit the completed Schedule 12 with Form DR-309631. Wholesalers must submit the completed Schedule 12 with Form DR-309632.

5. No change.

6. Sales of Undyed Kerosene to a Reseller for Use as a Home Heating or Cooking Fuel.

a. A licensed wholesaler or terminal supplier may sell undyed kerosene to a reseller that qualifies as a retail dealer for sale of home heating or cooking fuel and may obtain receive a credit or a refund as the ultimate vendor. To obtain a credit or a refund for tax paid, wholesalers and terminal suppliers must complete Schedule 12, Ultimate Vendor Credit (Form DR-309642). Terminal suppliers must submit the completed Schedule 12 with Form DR-309631. Wholesalers must submit the completed Schedule 12 with Form DR-309632. To obtain a refund of tax paid, wholesalers must file an Application for Refund (Form DR-26, incorporated by reference in rule 12-26.008, F.A.C.) with the Department. Form DR-26 must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

b. through c. No change.

d. Resellers that make sales of undyed kerosene for use other than for home heating or cooking without paying the aviation fuel tax are in violation of Chapter 206, F.S., and subject to the penalties provided in Section 206.872(11)(a), F.S. Department action to revoke the sales and use license and the carrier license.

e. A wholesaler or terminal supplier that knows or should have known that the reseller is not making deliveries of undyed and untaxed kerosene for home heating or cooking can lose the ultimate vendor privilege for reseller sales and will be subject to tax, penalty, and interest.

(4) No change.

(5) RETURNS AND REGULATIONS.

(a) Any person who holds an aviation fuel license is required to licensees will file the following tax returns monthly with the Department of Revenue:

1. Terminal suppliers of aviation fuel are required to will report tax due on aviation fuel on Form form DR-309631, Terminal Supplier Suppliers Fuel Tax Return.

2. Wholesalers and importers of aviation fuel are required to will report tax due on aviation fuel on Form form DR-309632, Wholesaler/Importer Fuel Tax Return.

3. Exporters of aviation fuel are required to will report all purchases of aviation fuel from terminal suppliers or wholesalers in Florida of fuel that is exported to another state on Form form DR-309638, Exporter Fuel Tax Return.

4. Terminal Operators of aviation fuel are required to report the number of gallons of aviation fuel removed from storage through the terminal rack and aviation fuel imported by means other than bulk transfer into Florida on Form will file form DR-309636, Terminal Operator Information Fuel Tax Return.

5. Carriers of aviation fuel are required to report all aviation fuel moving by truck, rail, pipeline, barge, ship, or other conveyance on Form will report the transport of aviation fuel using form DR-309637, Petroleum Carrier Information Return.

6. Air carriers that have elected to apportion aviation fuel tax under the provisions of s. 212.0598, F.S., will report the use of aviation fuel using form DR-182AC, Florida Air Carrier Fuel Tax Return, beginning January 1997, which is incorporated by reference in Rule 12B-5.150, F.A.C.

(b) The forms in paragraph (a) are incorporated by reference in Rule 12B-5.150, F.A.C.

(c) Electronic filing of payments, returns, and other required information reports must be submitted to the Department as provided in Rule Chapter 12-24, F.A.C., when: Media Filing-

1. Payment of the tax is required to be made by electronic means; Fuel licensees which sell aviation fuel are required to file data elements and schedules contained in the appropriate fuel tax return by magnetic tape, computer disk, or a telephone modem.

2. Any return for reporting tax is required to be submitted by electronic means; Those licensees who sell alternative fuel who are unable to meet the requirements for electronic filing may request a deferral of the date on which electronic data is required to be filed with the Department.

3. No tax is due with any return for reporting tax; or Deferral requests will be granted by the Department when a licensee who sells alternative fuel can demonstrate the inability to complete the necessary computer program change by the date the information is due.

4. Any information report is required to be submitted by electronic means.

(6) No change.

(7) REFUNDS AND CREDITS.

(a) Refunds to Air Carriers for Wages Paid to Employees.

1. Any carrier that is in the business of transporting persons or property for compensation or hire by air will be entitled to a refund of the tax paid on aviation fuel pursuant to Part III of Ch. 206, F.S. The amount of refund shall not exceed the amount of aviation fuel tax paid.

2. No change.

3. The refund shall not exceed either .006 times total gross wages paid in Florida for that quarter, or the amount of aviation fuel tax paid.

3.4. To obtain a refund of aviation fuel tax paid, an Air carrier is required to file an will make an application for refund of wages paid on Form DR-191, Application for Aviation Fuel Tax Return-Air Carriers (Form DR-191, which is incorporated by reference in Rule 12B-5.150, F.A.C.), with by attaching information as may be required by the Department regarding wages or payroll records, and provide necessary documents or information as proof of payment of tax pursuant to Chapter

206, F.S. Form DR-191 must be filed for each calendar quarter no later than the last day of the month immediately following the calendar quarter for which the refund is claimed. The filing day may be extended one additional month when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's refund application was timely submitted to the Department.

4. Amended applications for the prior calendar quarter must be received by the Department by the current calendar quarter's deadline.

5. No refund will be authorized for a tax refund of less than \$5 for a refund period.

5. Refunds will be issued on a calendar quarter basis ending March 31, June 30, September 30 and December 31. Application for refunds will be filed within thirty days after the last day of each quarter for which refund is being requested.

6. Application for refunds will be considered as filed timely if postmarked on or before the thirty day period, except on a Saturday, a Sunday or a state or federal legal holiday, in which case, the date of the next following work day will be accepted.

(b) Refunds to Air Carriers That Apportion Tax.

1. Air carriers that elect to prorate aviation fuel tax under the provisions of s. 212.0598, F.S., are required to file form DR-182AC, Florida Air Carrier Fuel Tax Return.

2. Such carriers will compute aviation fuel tax by multiplying 8 percent times the cost of each gallon of fuel purchased during a month times the carrier's apportionment factor determined in the prior calendar year.

3. When apportioned aviation fuel tax, computed by an air carrier, is less than the amount of Florida aviation fuel tax paid during a month, the difference will be granted as either a refund or as a credit deduction from the carrier's sales tax liability.

(b)(e) Any fixed base operator that who sells aviation fuel to the United States federal government, its departments, or its agencies for use in governmental aircraft is entitled to apply for a refund of tax paid on such fuel. To receive a refund of tax paid, the fixed base operator must file an by making application for refund on Form DR-26, Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department from the State of Florida Department of Revenue, pursuant to s. 215.26, F.S., and by furnishing such information as the Department may require for issuance of such refund. Form DR-26 must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C. For tax paid on or after July 1, 1999, Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid.

(8) No change.

(9) COMMERCIAL AIR CARRIERS; REGISTRATION; REPORTING.

(a) Registration.

1. All airlines that operate operating as commercial air carriers in Florida are required to hold a valid aviation fuel tax license must apply on an annual basis for an Air Carrier Fuel Tax License.

2. To obtain an annual license, a commercial air carrier must file an Application for Air Carrier Fuel Tax License (Form DR-176, incorporated by reference in Rule 12B-5.150, F.A.C.) and the required attachments with the Department, as provided in the application.

3. To renew an annual license, a commercial air carrier must file a Renewal Application for Pollutant or Air Carrier License (Form DR-166R, incorporated by reference in Rule 12B-5.150, F.A.C.)

3.2. Each initial or The license and renewal application must be accompanied by a fee is \$30 license fee, will be paid into the State Treasury to be credited to the General Revenue Fund.

(b) Reporting. All Whenever a licensed commercial air carriers are required to file a Florida Air Carrier Fuel Tax Return (Form DR-182, incorporated by reference in Rule 12B-5.150, F.A.C.), to report carrier withdraws aviation fuel withdrawn from bonded inventories and use in domestic flights; or imports of non-tax paid aviation fuel for use in domestic flights, and to the air carrier will remit tax due at the rate of 6.9 cents per gallon on form DR-182, Florida Air Carrier Fuel Tax Return, which is incorporated in Rule 12B-5.150, by reference. Form DR-182 must be filed on or before the 20th day of each month for transactions during the previous month to avoid penalty for late filing. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(c) Electronic filing of payments, returns, and other information reports must be submitted to the Department as provided in Rule Chapter 12-24, F.A.C., when: Rate of Tax.

1.a. Payment of the tax is required to be made by electronic means; Air carriers that make the election to pay tax under the special apportionment formula pursuant to s. 212.0598, F.S., are subject to a tax rate of 8 percent of the retail sales price on the purchase of each gallon of aviation fuel.

b. Tax remitted under the election will not be lower than 4.4 cents per gallon.

e. This proration of tax will expire on July 1, 2000.

2.a. Any return for reporting tax is required to be submitted by electronic means; Air carriers that make this election will apportion the tax pursuant to Rule 12A-1.064, F.A.C.

b. Each carrier's ratio will be determined at the close of the carrier's preceding fiscal year, and the ratio will not change by more than 10 percent over the carrier's previous fiscal year.

3.a. No tax is due with any return for report tax; or Each air carrier, after applying for the above election, will file with, and remit to the Department, the proper tax found to be due by computing the tax pursuant to the apportionment formulas arrived at under s. 212.0598, F.S.

b. Such tax will be filed on form DR-182AC, Florida Air Carrier Fuel Tax Return, which is incorporated in Rule 12B-5.150, F.A.C., by reference.

4. Any information report is required to be submitted by electronic means. Air carriers making this election will not be authorized the refund provided in s. 206.9855, F.S.

Specific Authority 206.14(1), 206.59(1), 206.97, 213.06(1) FS. Law Implemented 206.02, 206.03, 206.05, 206.43, 206.48, 206.485, 206.90, 206.91, 206.9825, 206.9835, 206.9865, 206.9875; 212.0598 FS. History--New 11-21-96, Amended 10-27-98, _____.

PART IV
TAX ON POLLUTANTS

12B-5.400 Producers and Importers of Pollutants.

(1) through (2) No change.

(3) LICENSING AND BONDING.

(a) Any person who does not hold a valid motor fuel, diesel fuel, or aviation fuel tax license issued pursuant to Persons not registered pursuant to Parts I, II, or III of Ch. 206, F.S., and who produces, imports, or causes pollutants produce, import, or cause to be imported into this state is required to obtain State taxable pollutants, shall apply for and be issued a pollutants tax license identification number as an importer or producer.

(b) To obtain an annual procure a license as an importer or producer of taxable pollutants, a person must file a with the Department an application, form DR-166 (Florida Pollutant Tax Application (Form DR-166, incorporated by reference in Rule 12B-5.150, F.A.C.); and the required attachments with under oath and in such form as prescribed by the Department, as provided in the application which meets all requirements specified in s. 206.9931, F.S. The Department will require an applicant for a license as an importer or producer of pollutants to provide photograph, fingerprints, or other data required under the provisions of s. 206.02, F.S., prior to obtaining a license.

2. To renew an annual license, an applicant must file a Renewal Application for Pollutant or Air Carrier License (Form DR-166R, incorporated by reference in Rule 12B-5.150, F.A.C.).

3. Each initial or renewal application submitted by a person who is not currently licensed under Parts I, II, or III of Chapter 206, F.S., must be accompanied by a \$30 registration fee.

(e) The registration fee shall be \$30.00 for all persons not registered or licensed pursuant to Parts I, II, or III of Ch. 206, F.S. Persons registered or licensed pursuant to Parts I, II, or III of Ch. 206, F.S., are not required to pay a separate registration fee for pollutants tax.

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

(4) EXEMPTIONS.

(a) through (d) No change.

(e) The United States federal government, its departments, or and its agencies which import pollutants into this State are exempt from tax and are not required to file a return with the Department, the "Pollutant Tax Return." Pollutants tax licensees who sell pollutants to the United States federal government, it departments, or and its agencies are not exempt from paying the tax due on pollutants to the Department.

(5) TAXABLE PRODUCTS.

(a) through (c) No change.

(d) Rate of Tax.

1. The excise tax is levied by Sections ss. 206.9935(1)(a), 206.9935(2)(a), and 206.9935(3)(a), F.S., for the tax for coastal protection, tax for water quality, and tax for inland protection Tax for Coastal Protection, Tax for Water Quality; and Tax for Inland Protection, respectively.

2. The tax rate on all pollutants first produced in, or imported into Florida is subject to change. The Department shall provide written notice to all licensees of these changes as they occur.

2.3. The effective tax rates for each trust fund on or after the indicated dates are:

a. Coastal Protection Tax: <u>2 cents per barrel of pollutant.</u>	
7-1-89	2 cents per barrel of pollutant
b. Inland Protection Tax: <u>80 cents per barrel of pollutant.</u>	
7-1-86	10 cents per barrel of pollutant
5-1-88	20 cents per barrel of pollutant
8-1-91	30 cents per barrel of pollutant
5-1-92	80 cents per barrel of pollutant

c. Water Quality Assurance Tax:

<u>Motor Oil and Lubricants – 2.5 cents per gallon</u>	
<u>Solvents – 5.9 cents per gallon</u>	
<u>Other Petroleum Products, Pesticides, and Chlorine – 5 cents per barrel</u>	
<u>Ammonia – 2 cents per barrel.</u>	
1-1-87	All Pollutants 2 cents per barrel
10-1-88	Motor Oil and Other Lubricants 5 cents per gallon

- 10-1-88 Solvents containing compounds specifically listed in s. 206.9925(5), F.S.— 10 cents per gallon
- 7-1-89 Motor Oil and Lubricants— 1 cents per gallon
Thru
- 2-28-90 Solvents and solvent mixtures— 2.36 cents per gallon
- 3-1-90 Motor Oil and Lubricants— 2.5 cents per gallon
Solvents and solvent mixtures— 5.9 cents per gallon
(Solvent mixtures tax is repealed July 1, 1996)
Other Petroleum Products, Pesticides, and Chlorine 5 cents per barrel
Ammonia 2 cents per barrel

3.4. No change.

(6) RETURNS AND REGULATIONS.

(a) Any person licensed as a terminal supplier, importer, wholesaler, or blender pursuant to Chapter 206, F.S., and any person licensed as an importer or producer of pollutants is required to file a Pollutants Tax Return (Form DR-904, incorporated by reference in Rule 12B-5.150, F.A.C.) on or before the 20th day of the month following the month of sale or first removal of pollutants from storage. If the 20th day falls on a Saturday, Sunday, or legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. Reports and payment of tax to the Department of Revenue by registrants shall be due monthly as provided by 206.9931(2), F.S.

(b) All statements or reports required by Part IV of Ch. 206, F.S., shall be filed whether or not tax is due.

(c) All taxable petroleum products, pesticides, ammonia, chlorine, solvents shall be reported on the "Pollutants Tax Return" (DR 904).

(b)(4) When quarterly, semi-annual, or annual reporting is authorized by the Department, pursuant to Section 206.9931(5), F.S., the tax is due on or before the 20th day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month. Instead of reporting for 12 monthly reporting periods, the Executive Director, or the Executive Director's designee, will authorize, if requested, a quarterly return and payment when the tax remitted by the licensee for the preceding quarter did not exceed \$100; or a semiannual return and payment when the tax remitted by the licensee for the preceding six months did not exceed \$200; or an annual return and payment when the tax

remitted by the licensee for the preceding twelve months did not exceed \$400. When quarterly, semiannual, or annual reporting is authorized, taxes become due the first day of the month following the authorized reporting period and shall be delinquent on the twenty-first day thereof. A licensee requesting permission to request in writing to the Department, setting out the requested reporting period, the trade name, mailing address, and the licensee's pollutants license number.

(c)(e) Electronic filing of payments, returns, and other information reports must be submitted to the Department. Where payment by electronic funds transfer is required the tax shall be remitted as provided by Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means;

3. No tax is due with any return for reporting tax; or

4. Any information report is required to be submitted by electronic means.

(7) REFUNDS AND CREDITS.

(a) 1. Any licensee that registrant who is entitled to a refund of pollutant tax pursuant to Section 206.9942, F.S., is required to file with the Department an may apply for such refund on form DR 26, Application for Pollutant Tax Refund (Form DR-309660, incorporated by reference in Rule 12B-5.150, F.A.C.). The request for refund must be supported by charge tickets, sales slips, invoices, or other tangible evidence of the sale; applicable export schedules, and shipping and delivery documents. Charge tickets, sales slips, invoices, or other tangible evidence of the sale must contain the following information: Refund from the State of Florida Department of Revenue. Any refund request or credit shall be supported by original sales invoices showing the tax was paid to the Department and a copy of the supporting export schedules required with returns, shipping and delivery documents.

a. The name, mailing address, and location address of the purchaser;

b. The type of pollutant and the number of gallons or barrels purchased;

c. The date on which the purchase was made;

d. The price paid for the pollutants;

e. The name and place of business of the seller;

f. The pollutant tax paid per gallon or per barrel; and

g. The Department of Environmental Protection storage tank facility identification number for the seller, if applicable;

2. In lieu of original sales invoices, the applicant applying for a refund may submit a detailed schedule of individual transactions that includes the information required under subparagraph 1. Original invoices or certified copies of invoices obtained from suppliers must be maintained by the

applicant in its records until tax imposed under Chapter 206, F.S., may no longer be determined and assessed under Section 95.091, F.S.

3. Form DR-309660 must be filed for each calendar quarter no later than the last day of the first month following the quarter for which the refund is claimed. The filing date may be extended one additional month from the due date of Form DR-309660 when a written explanation that sets forth reasonable cause for delay in filing the refund application is submitted with the application and the prior quarter's application for refund was timely submitted to the Department.

4. Amended applications for the prior calendar quarter must be received by the Department by the current calendar quarter's deadline.

5. No refund will be authorized for a tax refund of less than \$5 for a refund period.

(b) Any licensee that ~~licensees who~~ produces, imports, or purchases solvents ~~or~~ on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and ~~who~~ consume these solvents in the manufacture or production of a product which is not a pollutant, may ~~take credit or~~ request a refund of the tax paid on the solvent under the Water Quality Assurance Trust Fund, as provided in paragraph (a).

(c) Any licensee who has purchased petroleum products on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and the Tax for Inland Protection Trust Fund, and who subsequently exports said products from the state or bunkers petroleum products into marine vessels engaged in interstate or foreign commerce, may apply for a refund of the tax paid on the petroleum product under the Water Quality Assurance Trust Fund and the Inland Protection Trust Fund, as provided in paragraph (a). ~~Any licensees who produce, import, or purchase solvents on which the tax has been paid to the State or supplier under the Water Quality Assurance Trust Fund and who consume, blend, or mix these solvents to produce a pollutant, which is subject to the tax under the Water Quality Assurance Trust Fund may take credit or apply for a refund of the tax paid on the solvent or under the Water Quality Assurance Trust Fund. The credit or refund shall not exceed the amount of the tax owed for the pollutant.~~

(d) Any licensee who has produced, imported, or purchased pollutants on which the tax has been paid to the State or supplier and who subsequently exports from the state said pollutants or products containing said pollutants may apply for a refund of the tax paid on the pollutant under the Water Quality Assurance Trust Fund, as provided in paragraph (a).

(e) Any person licensed pursuant to Chapter 206, F.S., that is eligible for a refund pursuant to Section 206.9942, F.S., may, in lieu of applying for a refund, take a credit on the monthly Pollutants Tax Return (Form DR-904). The credit may not

exceed the tax imposed on those gallons which would otherwise be eligible for refund. Any request for a credit shall be supported by a charge ticket, sales slip, invoice, or other tangible evidence of the sale showing the tax was paid to the State or supplier; applicable export schedules, and shipping and delivery documents.

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943 FS. History—New 11-21-96, Amended 10-27-98, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
 RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule
 RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this rule development notice is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the N. W. 74th Street/Florida's Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Transportation, Florida's Turnpike Enterprise is planning to construct a SunPass-Only interchange at N. W. 74th Street and Florida's Turnpike interchange. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the south only. This new interchange is approximately two miles south of the Okeechobee Toll Plaza.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9,

1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, ~~and~~ May 20, 2004, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, _____.

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development are to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2005, in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 219, and House Bill 1267, Section 2, 633.022, F.S.

1. Effective July 1, 2005, the Agency will modify the reimbursement methodology for nursing home rates in the Title XIX Long-Term Care Reimbursement Plan in order to implement a recurring methodology that may include, but is not limited to, the inflation factor, provider target, class ceiling, target rate class ceiling, new provider target, Medicaid Adjustment Rate, or any component of the Fair Rental Value System or property ceiling to result in a reduction in the reimbursement methodology for all components other than the direct patient care component. For the direct care component, the agency may reduce the class ceilings to help achieve the reduction. The recurring methodology will remove \$132,096,857 from inflationary and other price level increases.

- 2. Effective July 1, 2005, in accordance with House Bill 1267, Section 2, and 633.022, F.S.:
 - (a) Notwithstanding any provision of law to the contrary, each nursing home licensed under part II of chapter 400 shall be protected by an approved, supervised automatic sprinkler system in accordance with section 9 of the National Fire Protection Association, Inc., Life Safety Code, in accordance with the following schedule: Each hazardous area of each nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2008. Each entire nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2010.
 - (b) The division may grant up to two 1-year extensions of the time limits for compliance in subparagraph (a)2. if the division determines that the nursing home has been prevented from complying for reasons beyond its control.
 - (c) The division is authorized to adopt any rule necessary for the implementation and enforcement of this subsection. The division shall enforce this subsection in accordance with the provisions of this chapter, and any nursing home licensed under part II of chapter 400 that is in violation of this subsection may be subject to administrative sanctions by the division pursuant to this chapter.
 - (d) Adjustments shall be made to the provider Medicaid rate to allow reimbursement over a 5-year period for Medicaid’s portion of the costs incurred to meet the requirements of this subsection. Funding for this adjustment shall come from existing nursing home appropriations.

3. Address low occupancy rate adjustment issue.

SUBJECT AREA TO BE ADDRESSED: Nursing home reimbursement rates and automatic sprinkler systems.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 1:00 p.m., July 27, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient

Hospital Services 59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development are to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2005, in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriations 184, 190, 191, 221, 222 and Senate Bill 838, Section 4, 2005-06 Florida Legislature:

1. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to statutory teaching hospitals, family practice teaching hospitals, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-04 shall be paid interim payments of \$12,203,921 distributed in the same proportion as the State Fiscal Year 2003-04 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid interim payments of \$2,330,882 to be distributed equally among the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in state Fiscal Year 2003-04 shall be paid interim payments of \$12,203,921 distributed in the same proportion as the Primary Care DSH payments for State Fiscal Year 2003-04. Hospitals designated as provisional trauma centers shall be paid interim payments of \$12,375,000. Of this amount \$5,355,000 shall be distributed equally among hospitals that are a Level I trauma center; \$4,500,000 shall be distributed equally among hospitals that are either a Level II or Pediatric trauma center; \$2,520,000 shall be distributed equally among the hospitals that are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid interim payments of \$8,383,500 distributed in the same proportion as the DSH payments.
2. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to hospitals that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient care to low-income individuals. Interim payments will be made in the following manner: \$46,121,019 shall be paid to University Medical Center – Shands; \$18,914,451 shall be paid to Tampa General Hospital; \$9,072,075 shall be paid to Mt. Sinai Medical Center; \$6,637,413 shall be paid to All Children’s Hospital; \$5,400,229 shall be paid to Miami Children’s Hospital; \$5,560,262 shall be paid to Orlando Regional Medical Center; \$7,703,253 shall be paid to Shands Teaching Hospital; \$3,322,365 shall be paid to Jackson Memorial Hospital; \$1,200,000 shall be paid to Lee Memorial Hospital/CMS; \$450,000 shall be paid to Baptist Hospital of Pensacola; \$55,072 shall be paid to Florida Hospital; \$54,402 shall be paid to Tallahassee Memorial Hospital; \$52,835 shall be paid to St. Joseph’s Hospital; \$291,706 shall be paid to St. Mary’s Hospital; \$330,366 shall be paid to Broward General Medical Center; \$215,975 shall be paid to Bayfront Medical Center and \$466,977 shall be paid to Sacred Heart Hospital; \$250,000 shall be paid to Naples Community Hospital.
3. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to hospitals providing poison control programs. Total payments of \$3,183,014 will be made to qualifying hospitals. AHCA shall work in collaboration with the Florida Department of Health to determine which hospitals will receive these payments.
4. Effective July 1, 2005, interim Special Medicaid Payments up to \$7,297,495 will be made on a quarterly basis to hospitals to enhance primary care services to underserved areas of the state. AHCA shall work in collaboration with the Florida Department of Health to determine which hospitals will receive these payments.
5. Effective July 1, 2005, Special Medicaid Payments in the interim amount of \$517,513,720 will be made on a quarterly basis to hospitals providing enhanced services to low-income individuals through agreements with local county or other governmental entities. The amount of the Special Medicaid Payment to each hospital is proportional to the amount of the intergovernmental transfer received from the local county or governmental entity.
6. Effective July 1, 2005, Special Medicaid Payments in the interim amount of \$2,000,000 will be made on a quarterly basis to specialty pediatric facilities. The hospital must be licensed as a children’s specialty hospital and its combined Medicaid managed care and fee-for-service days as a percentage to total inpatient days equals or exceeds thirty (30) percent. The Agency shall use the 2003 Financial Hospital Uniform Reporting System (FHURS) data to determine the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.
7. Effective July 1, 2005, inpatient reimbursement ceilings will be eliminated for hospitals whose sum of charity care and Medicaid days, as a percentage of adjusted patient days, equals or exceeds 11 percent. The Agency will use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Effective July 1, 2005 through June 30, 2006

these hospitals will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using the average of the 1999, 2000 and 2001 audited DSH data will receive an interim amount equal to 92 percent of the benefit of being exempt from the application of these ceilings. If the prescribed three years of audited DSH data is not available for the public hospital, the Agency shall use the average of the 1999, 2000, and 2001 audited DSH data that is available for the public hospital. Any hospital that met the 11 percent threshold in the State Fiscal Year 2004-2005 and was also exempt from the inpatient reimbursement ceilings shall remain exempt from the inpatient reimbursement ceilings for State Fiscal Year 2005-2006 subject to the payment limitations imposed in this paragraph.

8. Effective July 1, 2005, the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2 shall be eliminated. Effective July 1, 2005 through June 30, 2006 these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.
9. Effective July 1, 2005, the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers shall be eliminated. This provision shall apply to all hospitals that are a designated or provisional trauma center on July 1, 2005 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2005-2006. Effective July 1, 2005 through June 30, 2006 these hospitals will receive an interim amount equal to 92 percent of the benefit of being exempt from the application of these ceilings.

The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

10. Effective July 1, 2005, inpatient reimbursement ceilings shall be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Effective July 1, 2005 through June 30,

2006 these hospitals will receive an interim amount equal to 92 percent of the benefit of being excluded from the application of an inpatient ceiling.

11. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as teaching, Community Health Education program Hospitals, specialty, Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation, trauma centers where their Medicaid days as a percentage to total hospital days equals or exceeds 7.3 percent, hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.
12. Effective July 1, 2005, the agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve a recurring reduction of \$100,537,618 from inflationary and other price level increases.
13. For funds appropriated for public disproportionate share payments for state fiscal years beginning July 1, 2004 and later, the TAAPH (total amount available for public hospitals) shall be reduced by \$6,365,257 before computing the DSHP (disproportionate share hospital payment) for each public hospital. The \$6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals. In computing the above amounts for public hospitals and hospitals that qualify under Section VI.A.2 of the Title XIX Inpatient Hospital Reimbursement Plan, the average of the 1998, 1999, and 2000 audited disproportionate share data will be used to determine each hospital's Medicaid days and

charity care for the 2004-2005 state fiscal year and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year.

If the Agency does not have the prescribed 3 years of audited disproportionate share data as noted above for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in the paragraph above that is available.

14. Effective July 1, 2005, for the 2005-2006 state fiscal year only, the DSHP (disproportionate share hospital payment) for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP (disproportionate share hospital payment) for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.

15. The 2005-06 Disproportionate Share appropriations are as follows:

Regular DSH	\$200,666,508
Mental Health	\$60,998,692
Rural	\$12,743,294
Specialty	\$2,444,444

16. The definition of charity care or uncompensated charity care has been updated to include "other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment" to be in accordance with Section 409.911, F.S.

17. In accordance with Section 409.9062, F.S., lung transplant services for Medicaid recipients, Medicaid will reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid special Medicaid payments (SMPs), upper payment limit (UPL), disproportionate share (DSH) payments, definition of charity care, and reimbursement for lung transplants.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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:

DATE AND TIME: 10:00 a.m., July 26, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120-B, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities) **RULE NO.:** 59G-6.045

PURPOSE AND EFFECT: The purpose of the proposed rule development is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218.

The purpose and the effect of the proposed amendment are:
 1. Effective July 1, 2005, the Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan that may include, but is not limited to, the inflation factor, and variable cost targets to achieve the cost savings.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated reimbursement methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2005

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Citations
 RULE NO.: 61G15-19.0071
 PURPOSE AND EFFECT: Purpose and effect is to increase the maximum fine listed under paragraph 61G15-19.0071(3)(a), F.A.C.
 SUBJECT AREA TO BE ADDRESSED: Citations.
 SPECIFIC AUTHORITY: 455.224, 455.225 FS.
 LAW IMPLEMENTED: 455.224, 455.227, 471.023, 471.033 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G15-19.0071 Citations.
- (1) through (2) No change.
- (3) The following violations with accompanying fines may be disposed of by citation:
 - (a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been duly certified. The fine shall be \$100 for each month or fraction thereof of said activity, up to a maximum of ~~\$1,000~~ \$5,000. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)
 - (b) through (d) No change.
 - (4) through (7) No change.

Specific Authority 455.224, 455.225 FS. Law Implemented 455.224, 455.227, 471.023, 471.033 FS. History—New 4-2-00, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: General Responsibility
 RULE NO.: 61G15-35.001
 PURPOSE AND EFFECT: Purpose and effect is to describe additional responsibilities incumbent on Professional Engineers offering Threshold Building Inspection services.
 SUBJECT AREA TO BE ADDRESSED: General Responsibility.
 SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.
 LAW IMPLEMENTED: 471.015(7), 471.033, 471.045 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.001 General Responsibility.

Professional Engineers offering Threshold Building Inspection services pursuant to Section 553.79, F.S., shall provide inspections in accordance with the structural inspection plan provided by the engineer or architect of record to insure compliance with permitted documents. In addition to inspections in accordance with the structural inspection plan, the engineer shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring ~~will inspect the shoring and reshoring~~ for conformance with shoring and reshoring plans submitted to the enforcing agency.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 471.045 FS. History—New 3-21-01, Amended.

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: Fees
 RULE NO.: 64B9-7.001
 PURPOSE AND EFFECT: To add to this rule a biennial renewal fee for certified nursing assistants.
 SUBJECT AREA TO BE ADDRESSED: Fees.
 SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.
 LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (14) No change.

(15) The biennial renewal fee for certified nursing assistant shall be twenty dollars (\$20) as provided in Section 464.203, F.S.

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History--New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: In-Service Training Requirements for

RULE NO.:

Certified Nursing Assistants 64B9-15.011

PURPOSE AND EFFECT: To amend the time requirements of in-service training of Certified Nursing Assistants.

SUBJECT AREA TO BE ADDRESSED: In-Service Training Requirements for Certified Nursing Assistants.

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 456.024, 464.203, 464.2085 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: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.011 In-Service Training Requirements for Certified Nursing Assistants.

(1) Each certified nursing assistant must complete a minimum of 12 ~~18~~ hours of in-service training each calendar year. For candidates certified during the calendar year, the minimum in-service hours required shall be prorated at the rate of 1.0 ~~1.5~~ hours per month from the month of initial certification to the end of the calendar year.

(2) through (6) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 456.024, 464.203, 464.2085 FS. History--New 5-25-03, Amended _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Inactive Status License

RULE NO.:

64B15-12.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address criteria for reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: Criteria for the reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Standard of Care for Office Surgery

RULE NO.:

64B15-14.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address appropriate medications for the crash cart for office surgery procedures.

SUBJECT AREA TO BE ADDRESSED: Appropriate medications for the crash cart during office surgery procedures.

SPECIFIC AUTHORITY: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g),(x),(z),(aa), 459.026 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.007 Standard of Care for Office Surgery.
 NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (3) No change.
- (4) Level II Office Surgery.
 - (a) No change.
 - (b) Standards for Level II Office Surgery.
 - 1. through 2. No change.
 - 3. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

- I. Adenosine 6 mg/2 ml x3 ~~Adrenalin (epinephrine) 1:10,000 dilution; 10ml~~
- II. Albuterol Inhaler ~~Adrenalin (epinephrine) 1:1000 dilution; 1ml~~
- III. Amiodarone 150 mg x2
- IV. ~~Atropine 0.4 mg/ml; 3 ml~~ 0.1mg/ml; 5ml
- V. ~~Benadryl (diphenhydramine)~~
- V. Calcium chloride 10%; 10 ml
- VI. ~~Dextrose 50%; 50 ml~~
- VII. Diphenhydramine 50 mg ~~Dilantin (phenytoin)~~
- VIII. Dopamine 200 mg minimum
- IX. Epinephrine 1:10,000 dilution; 10 ml ~~Heparin~~
- X. Epinephrine 1:1000 dilution; 1ml x 3 ~~Inderal (propranolol)~~
- XI. Flumazenil 0.1 mg/ml; 5 ml x 2 ~~Isuprel~~
- XII. Furosemide 40 mg ~~Lanoxin (digoxin)~~
- XIII. Hydrocortisone or Methylprednisolone or Dexamethasone ~~Lasix (furosemide)~~
- XIV. Lidocaine 100 mg ~~Xylocaine (lidocaine)~~
- XV. Magnesium sulfate 1 gm x 2 ~~50%~~
- XVI. Narcan (naloxone) 0.4 mg/ml; 3 ml
- XVII. Propranolol 1 mg x 1 ~~Pronestyl (procainamide)~~
- XVIII. Sodium bicarbonate 50mEq/50ml
- XIX. Succinylcholine 1 vial ~~Solu-medrol (methylprednisolone)~~
- XX. Vasopressin 20 units x 2
- XXI. ~~XX-~~ Verapamil hydrochloride 5 mg x 2
- XXI. ~~Romazicon~~

b. A Benzodiazepine must be stocked, but not on the crash cart.

c. ~~b.~~ Suction devices, endotracheal tubes, laryngoscopes, etc.

- ~~d.e.~~ Positive pressure ventilation device (e.g. Ambu) plus oxygen supply.
- ~~e.d.~~ Double tourniquet for the Bier block procedure.
- ~~f.e.~~ Monitors for blood pressure/EKG/Oxygen saturation.
- ~~g.f.~~ Emergency intubation equipment.
- ~~h.g.~~ Adequate operating room lighting.
- ~~i.h.~~ Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.
- ~~j.i.~~ Appropriate sterilization equipment.
- ~~k.j.~~ IV solution and IV equipment.
- 4. No change.
- (5) through (6) No change.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g),(x),(z),(aa), 459.026 FS. History--New 11-29-01, Amended 2-23-03,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Probationary Conditions and Definitions
 RULE NO.: 64B15-19.005
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address supervisors or monitors of physicians on probation.
 SUBJECT AREA TO BE ADDRESSED: Supervisors or monitors of physicians on probation.
 SPECIFIC AUTHORITY: 459.005 FS.
 LAW IMPLEMENTED: 459.015(2)(g) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Employer Worksites
 RULE NO.: 69L-6.029
 PURPOSE AND EFFECT: Section 440.107(7)(a), F.S., declares that a stop-work order requires an employer to cease all business operations. Further, the section states that "[i]n addition to serving a stop-work order at a particular worksite which shall be effective immediately, the department shall immediately proceed with service upon the employer which shall be effective upon all employer worksites in the state for

which the employer is not in compliance.” The purpose of this rule is to prescribe the scope of a stop-work order issued against an employer who violates the coverage requirements or the records production requirements specified in the Workers’ Compensation Law, Chapter 440, Florida Statutes. In effect, this rule codifies worksites for which an employer is not in compliance for purposes of serving a stop-work order directing an employer to cease all business operations at all worksites in the state or at a particular worksite in the state. Also the rule declares that a penalty assessed under Section 440.107(7)(d)1., F.S., shall be based on an employer’s payroll at all worksites where the employer is not in compliance.

SUBJECT AREA TO BE ADDRESSED: The scope of stop-work orders issued under Section 440.107, F.S.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a), 440.107(7)(d)1. FS.

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

TIME AND DATE: 1:30 p.m., August 16, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.029 Employer Worksites.

(1) “Worksite” for purposes of this rule means a place in Florida where an employer conducts business operations.

(2) Upon service of a stop work order on an employer, the stop work order shall be effective upon all employer worksites in the state for which the employer is not in compliance.

(3) The worksites for which an employer is not in compliance shall be determined as follows:

(a) If the employer failed to meet the coverage requirements of Chapter 440, F.S. and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(b) If an out-of-state employer that is required to provide workers’ compensation coverage for employees engaged in work in Florida, pursuant to Rule 69L-6.019, F.A.C., failed to obtain or maintain a Florida policy or endorsement that utilizes Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, F.S., and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(c) If the employer failed to produce the required business records within five business days after receipt of the written request of the department, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(d) If the employer has materially understated or concealed payroll, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(e) If the employer materially misrepresented or concealed employee duties so as to avoid proper classification for premium calculations, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(f) If the employer materially misrepresented or concealed information pertinent to the computation and application of an experience modification factor, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(g) When the department identifies an employee or employees that are required to have the payment of compensation secured for on their behalf and the employer, including a contractor who becomes the employer of the employees of a subcontractor or subcontractors who have not secured the payment of compensation, pursuant to Section 440.10, F.S., has secured the payment of compensation for its employees by entering into a client service agreement with an employee leasing company licensed under Chapter 468, F.S., and the department determines that one or more employees are not identified as assigned employees under the client service agreement at a particular worksite or worksites of the employer only, the particular worksite or worksites are not in compliance and the stop work order shall only be in effect at such particular worksite or worksites of the employer.

(4) A penalty assessed under Section 440.107(7)(d)1., F.S., that exceeds the statutory minimum penalty shall include the employer's payroll and any violations of Section 440.107, F.S., for all its worksites where the employer is not in compliance.

Specific Authority 440.107(9), 440.591 F.S. Law Implemented 440.107(7)(a), 440.107(7)(d)1. F.S. History—New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
 RULE NO.: 69O-149.0055
 PURPOSE AND EFFECT: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.
 SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.
 SPECIFIC AUTHORITY: 624.308(1), 627.410(6), 641.31(2), 641.36 FS.
 LAW IMPLEMENTED: 624.307(1), 627.6402, 627.65626, 641.31(40) FS.

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

TIME AND DATE: 9:30 a.m., August 5, 2005
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
 RULE NO.: 69O-191.0545
 PURPOSE AND EFFECT: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.
 SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.
 SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.
 LAW IMPLEMENTED: 641.31(40) FS.

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

TIME AND DATE: 9:30 a.m., August 5, 2005
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

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."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Searches of Inmates
 RULE NO.: 33-602.204
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure that searches of female inmates are conducted by female staff except in emergency situations.
 SUMMARY: The proposed rule requires that searches of female inmates be conducted by female staff except in emergency situations.
 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, 944.473 FS.
 LAW IMPLEMENTED: 944.09, 944.47, 944.472, 944.473 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:

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) Searches while clothed.

(a) Searches of clothed male inmates ~~may shall~~ be conducted ~~only~~ by ~~appropriate~~ staff who ~~are may be~~ of the opposite sex from the inmates. Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this provision is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.

(b) through (3) No change.

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, 944.472, 944.473 FS. History—New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Chief of Security Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Aging Resource Centers	58B-1
RULE TITLES:	RULE NOS.:
Definitions	58B-1.001
Oversight Standards for the Aging Resource Center Governing Body	58B-1.003
Operating Procedures	58B-1.005
Monitoring and Sanctioning of Service Providers	58B-1.007
Outcome Measures	58B-1.009

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 430.2053(12), F.S. This statute establishes requirements under which aging resource centers shall operate.

SUMMARY: Proposed rule shall establish definitions, governing body oversight standards, operational procedures, quality assurance standards, and required outcome measures for aging resource centers in order to meet the requirements set forth in Section 430.2053(12), F.S.

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

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

SPECIFIC AUTHORITY: 430.08, 430.2053(12) FS.

LAW IMPLEMENTED: 430.2053 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

58B-1.001 Definitions.

In addition to the definitions included in Chapter 430, F.S., the following terms shall apply:

(1) Aging Resource Center (ARC) – An administrative entity designated by the Department of Elder Affairs (DOEA) accessible through multiple entry points that provides access to economic and long-term care services for all elders and their families, regardless of ability to pay. The eligibility functions are determined by the Comprehensive Assessment and Review for Long-term Care Services (CARES)/DOEA and the Department of Children and Families (DCF) Economic-Self Sufficiency programs integrated through collocation of DOEA and DCF staff, either physically or virtually.

(2) Aging Resource Center client – An individual currently receiving services through any of the programs administered through the ARC. This definition includes individuals referred by the ARC to private providers.

(3) Executive Director – An individual who shall be delegated responsibility for the ARC management and implementation of governing body policy; and who shall be accountable to the governing body for the ARC’s performance. The ARC executive director may be the same individual who serves as the AAA executive director.

(4) Governing Body – The board of the area agency on aging as described in Section 20.41(7), F.S.

(5) Information and Referral Specialist – The ARC staff person responsible for providing:

(a) Information to individuals about available long-term care resources and services;

(b) Referral of individuals to the resources most capable of meeting their needs; and

(c) Follow-up on referrals.

(6) Intake, Screening and Triaging Professional – The ARC staff person responsible for determining the following:

(a) The individual’s prioritized need for long-term care services;

(b) The individual’s preliminary risk level for institutional placement;

(c) The individual’s eligibility for financial and program assistance;

(d) The potential cost of the individual’s care plan; and

(e) The need for a comprehensive long-term care client assessment.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New _____.

58B-1.003 Oversight Standards for the Aging Resource Center Governing Body.

The Department shall monitor the performance and oversight activities of the ARC governing body to ensure the appropriateness and quality of care received by clients. The governing body shall be accountable for minimum oversight standards for the ARC including, but not limited to:

(1) Compliance with legal and contractual requirements, established Department policies, and effective management principles;

(2) Ensuring the maximum number of clients residing within the ARC geographic service area receives services in the community to avoid unnecessary institutional care;

(3) Review of the implementation of policies, governing body directives and overall organizational accountability;

(4) Review of human resource management;

(5) Ensuring the ARC has a system for recruiting, hiring, evaluating, and terminating employees;

(6) Ensuring cooperative relationships exist with community service agencies and providers;

(7) Ensuring compliance with program guidelines;

(8) Ensuring information management and data integrity, including accurate and reliable collection of client specific data; and

(9) Completing a written annual performance evaluation of the executive director.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New _____.

58B-1.005 Operating Procedures.

(1) At a minimum, information shall be provided by telephone, the Internet, or in person to all persons accessing the ARC.

(2) The executive director shall be a full-time employee having designated authority over the administrative staff and all activities of the ARC.

(3) In addition to the executive director, executive staff shall include, at a minimum, a fiscal officer.

(4) The ARC shall employ sufficient number of staff to adequately meet the needs of elders residing within the area served by the center.

(5) The ARC staff shall meet minimum standards for education and experience and be able to demonstrate competency in job knowledge pertinent to their areas of responsibility. The following are the criteria for ARC staff:

(a) The executive director shall meet the following minimum standards:

Have a Bachelor’s Degree from an accredited college or university in public administration, education, social work, or a related academic area with a minimum of five years of professional or administrative supervisory experience in social, economic, health, or rehabilitative services. A Master’s degree can substitute for one year of required work experience.

1. Work experience as indicated above may be substituted for the required college education on a year for year basis.

2. Five years experience in project management or community organization and planning related to elderly services is preferred.

(b) The fiscal officer shall meet the following minimum standards:

1. Have the appropriate educational and accounting experience as indicated below:

a. A current CPA certification; or

b. A Bachelor’s Degree in accounting with two years of cost accounting experience in a non-profit setting; or

c. Have at least four years experience with Medicaid fiscal regulations and four years with state accounting procedures. The four years experience for each category may occur simultaneously.

2. Have a working knowledge of cost principles and internal control procedures for grants and contracts with the federal government for non-profit organizations (OMB circulars A-87, A-110, A-122, and A-133).

(c) The Information and Referral Specialist shall meet the following minimum standards:

1. Have a Bachelor’s Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human services related field and a minimum of two years experience in information and referral services, case management, call center services, social services, or related work experience; or

3. Have a High School Diploma or GED and three years experience in information and referral services, case management, call center services, social services, or related work experience.

(d) The Intake, Screening and Triaging Professional shall meet the following minimum standards:

1. Have a Bachelor's Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human service related field and a minimum of two years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population; or

3. Have four years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population.

(6) The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the Department and shall comply with all state and federal rules and regulations governing the accounting of funds. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) All financial documents shall be filed, retained, and made available in the manner described in the contract with the Department for a period of at least five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of the five (5) years, the records shall be retained at least until resolution of the audit findings. These records may be subject to additional retention requirements set by law.

(b) The ARC shall be audited annually by an independent accounting firm and shall submit the final report of the audit to the Department within nine months after the end of the ARC's fiscal year.

(7) The ARC shall, at a minimum, maintain regular business hours from 8 a.m. to 5 p.m., Monday through Friday, excluding state and national holidays.

(a) An ARC staff member shall be assigned to answer the published, main telephone number of the ARC during regular business hours.

(b) The ARC shall have a system for answering and responding to calls received outside of the regular business hours.

1. The system shall, at a minimum, identify the agency, hours of operation and give callers the option to leave a message or speak with an attendant.

2. The system shall instruct callers to dial "911" in the event of an emergency.

3. Messages shall be responded to on the next business day.

(8) The ARC shall meet the minimum standards for information technology provided below:

(a) Computer hardware and software shall meet the Department's computer requirements.

(b) Information technology shall have measures in place that meet security requirements, compliance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other applicable federal regulations, and configurations to affect maximum stability of the network.

(c) Operational security shall be maintained including, but not limited to, current security patches that ensure stability of the network.

(d) Information technology shall be utilized that ensures compatibility and connectivity with the Department.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

58B-1.007 Monitoring and Sanctioning of Service Providers.

(1) The ARC shall perform administrative, programmatic, quality assurance, and fiscal monitoring, if applicable, of contracted providers and other entities to ensure contractual compliance and compliance with applicable state and federal rules and regulations.

(2) The ARC shall include language in its contract with service providers to ensure appropriate methods for monitoring and sanctioning service providers, including a grievance process.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

58B-1.009 Outcome Measures.

The governing body shall ensure that client specific data is collected and entered into the appropriate Department prescribed database. Actual performance standards, measured as a percentage in the applicable categories below, are determined for each fiscal year from the General Appropriations Act passed by the Florida Legislature. The data shall be available to compute the following:

(1) Percent of individuals, age 60 and older, determined to be eligible for nursing home placement that are placed in home and community based services.

(2) Percent of individuals, age 60 and older, at imminent risk of nursing home placement that are placed in home and community based services.

(3) Percent of individuals, age 60 and older, determined to be most frail and at risk of nursing home placement that remain at home or in the community.

(4) Percent of individuals, age 60 and older, referred by Adult Protective Services that are in need of immediate services to prevent further harm.

(5) Average monthly savings per client for home and community based services as compared to nursing home care for comparable client groups.

(6) Total number of CARES assessments performed.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Crochet, Office of the General Counsel, Department of
 Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida
 32399-7000, (850)414-2000

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Carole Green, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 25, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures
 RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend
 paragraphs 59C-1.008(1)(g) and (3)(a), F.A.C., Certificate of
 Need (CON) application procedures. The amended rule
 updates the batching cycle calendar used to establish deadlines
 for comparative reviews, as required by Section 408.039(1),
 F.S. The amended rule also reflects increases in CON filing fee
 pursuant to Section 408.038, F.S.

SUMMARY: The proposed amendment updates deadlines to
 the batching cycle calendar for calendar years 2006 and 2007,
 with no modification to the current calendar for 2005. The base
 CON filing fee is increased to \$10,000 from \$5,000 pursuant to
 recent statutory changes.

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

LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039
 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE. A HEARING WILL BE HELD AT THE
 TIME, DATE AND PLACE SHOWN BELOW (IF NOT
 REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m. (EST), August 2, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Rommel Bain, Certificate of Need,
 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida
 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) through (f) No change.

(g) Applications Subject to Comparative Review-Batching
 Cycles. In order that applications pertaining to similar types of
 services or facilities affecting the same service district or
 subdistrict may be considered in relation to each other for
 purposes of comparative review, letters of intent and
 applications shall be received by the agency no later than dates
 prescribed in the following schedule:

Hospital Beds and Facilities

1st Batching Cycle—2003

Summary Need Projections Published in F.A.W.	1-24-03
Letter of Intent Deadline	2-10-03
Application Deadline	3-12-03
Completeness Review Deadline	3-19-03
Application Omissions Deadline	4-16-03
Agency Initial Decision Deadline	6-13-03

Hospital Beds and Facilities

2nd Batching Cycle—2003

Summary Need Projections Published in F.A.W.	7-25-03
Letter of Intent Deadline	8-11-03
Application Deadline	9-10-03
Completeness Review Deadline	9-17-03
Application Omissions Deadline	10-15-03
Agency Initial Decision Deadline	12-12-03

Hospital Beds and Facilities

1st Batching Cycle—2004

Summary Need Projections Published in F.A.W.	1-23-04
Letter of Intent Deadline	2-09-04
Application Deadline	3-10-04
Completeness Review Deadline	3-17-04
Application Omissions Deadline	4-14-04
Agency Initial Decision Deadline	6-11-04

Hospital Beds and Facilities

2nd Batching Cycle—2004

Summary Need Projections Published in F.A.W.	7-23-04
Letter of Intent Deadline	8-09-04
Application Deadline	9-08-04
Completeness Review Deadline	9-15-04
Application Omissions Deadline	10-13-04
Agency Initial Decision Deadline	12-10-04

<u>Hospital Beds and Facilities</u>		<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2005</u>		<u>2nd Batching Cycle – 2007</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-28-05</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>7-27-07</u>
<u>Letter of Intent Deadline</u>	<u>2-14-05</u>	<u>Letter of Intent Deadline</u>	<u>8-13-07</u>
<u>Application Deadline</u>	<u>3-16-05</u>	<u>Application Deadline</u>	<u>9-12-07</u>
<u>Completeness Review Deadline</u>	<u>3-23-05</u>	<u>Completeness Review Deadline</u>	<u>9-19-07</u>
<u>Application Omissions Deadline</u>	<u>4-20-05</u>	<u>Application Omissions Deadline</u>	<u>10-17-07</u>
<u>Agency Initial Decision Deadline</u>	<u>6-17-05</u>	<u>Agency Initial Decision Deadline</u>	<u>12-14-07</u>
<u>Hospital Beds and Facilities</u>		<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2005</u>		<u>1st Batching Cycle – 2003</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-29-05</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>4-11-03</u>
<u>Letter of Intent Deadline</u>	<u>8-15-05</u>	<u>Letter of Intent Deadline</u>	<u>4-28-03</u>
<u>Application Deadline</u>	<u>9-14-05</u>	<u>Application Deadline</u>	<u>5-28-03</u>
<u>Completeness Review Deadline</u>	<u>9-21-05</u>	<u>Completeness Review Deadline</u>	<u>6-04-03</u>
<u>Application Omissions Deadline</u>	<u>10-19-05</u>	<u>Applicant Omissions Deadline</u>	<u>7-02-03</u>
<u>Agency Initial Decision Deadline</u>	<u>12-16-05</u>	<u>Agency Initial Decision Deadline</u>	<u>8-29-03</u>
<u>Hospital Beds and Facilities</u>		<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2006</u>		<u>2nd Batching Cycle – 2003</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-27-06</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>10-10-03</u>
<u>Letter of Intent Deadline</u>	<u>2-13-06</u>	<u>Letter of Intent Deadline</u>	<u>10-27-03</u>
<u>Application Deadline</u>	<u>3-15-06</u>	<u>Application Deadline</u>	<u>11-26-03</u>
<u>Completeness Review Deadline</u>	<u>3-22-06</u>	<u>Completeness Review Deadline</u>	<u>12-03-03</u>
<u>Application Omissions Deadline</u>	<u>4-19-06</u>	<u>Applicant Omissions Deadline</u>	<u>1-02-04</u>
<u>Agency Initial Decision Deadline</u>	<u>6-16-06</u>	<u>Agency Initial Decision Deadline</u>	<u>2-27-04</u>
<u>Hospital Beds and Facilities</u>		<u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2006</u>		<u>1st Batching Cycle – 2004</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-28-06</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>4-09-04</u>
<u>Letter of Intent Deadline</u>	<u>8-14-06</u>	<u>Letter of Intent Deadline</u>	<u>4-26-04</u>
<u>Application Deadline</u>	<u>9-13-06</u>	<u>Application Deadline</u>	<u>5-26-04</u>
<u>Completeness Review Deadline</u>	<u>9-20-06</u>	<u>Completeness Review Deadline</u>	<u>6-02-04</u>
<u>Application Omissions Deadline</u>	<u>10-18-06</u>	<u>Applicant Omissions Deadline</u>	<u>6-30-04</u>
<u>Agency Initial Decision Deadline</u>	<u>12-15-06</u>	<u>Agency Initial Decision Deadline</u>	<u>8-27-04</u>
<u>Hospital Beds and Facilities</u>		<u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2007</u>		<u>2nd Batching Cycle – 2004</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-26-07</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>10-08-04</u>
<u>Letter of Intent Deadline</u>	<u>2-12-07</u>	<u>Letter of Intent Deadline</u>	<u>10-25-04</u>
<u>Application Deadline</u>	<u>3-14-07</u>	<u>Application Deadline</u>	<u>11-24-04</u>
<u>Completeness Review Deadline</u>	<u>3-21-07</u>	<u>Completeness Review Deadline</u>	<u>12-01-04</u>
<u>Application Omissions Deadline</u>	<u>4-18-07</u>	<u>Applicant Omissions Deadline</u>	<u>12-29-04</u>
<u>Agency Initial Decision Deadline</u>	<u>6-15-07</u>	<u>Agency Initial Decision Deadline</u>	<u>2-25-05</u>

Other Beds and Programs
1st Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	4-08-05
Letter of Intent Deadline	4-25-05
Application Deadline	5-25-05
Completeness Review Deadline	6-01-05
Applicant Omissions Deadline	6-29-05
Agency Initial Decision Deadline	8-26-05

Other Beds and Programs
2nd Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	10-07-05
Letter of Intent Deadline	10-24-05
Application Deadline	11-23-05
Completeness Review Deadline	11-30-05
Applicant Omissions Deadline	12-28-05
Agency Initial Decision Deadline	2-24-06

Other Beds and Programs
1st Batching Cycle – 2006

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-07-06</u>
<u>Letter of Intent Deadline</u>	<u>4-24-06</u>
<u>Application Deadline</u>	<u>5-24-06</u>
<u>Completeness Review Deadline</u>	<u>5-31-06</u>
<u>Application Omissions Deadline</u>	<u>6-28-06</u>
<u>Agency Initial Decision Deadline</u>	<u>8-25-06</u>

Other Beds and Programs
2nd Batching Cycle – 2006

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-06-06</u>
<u>Letter of Intent Deadline</u>	<u>10-23-06</u>
<u>Application Deadline</u>	<u>11-22-06</u>
<u>Completeness Review Deadline</u>	<u>11-29-06</u>
<u>Application Omissions Deadline</u>	<u>12-27-06</u>
<u>Agency Initial Decision Deadline</u>	<u>2-23-07</u>

Other Beds and Programs
1st Batching Cycle – 2007

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-06-07</u>
<u>Letter of Intent Deadline</u>	<u>4-23-07</u>
<u>Application Deadline</u>	<u>5-23-07</u>
<u>Completeness Review Deadline</u>	<u>5-30-07</u>
<u>Application Omissions Deadline</u>	<u>6-27-07</u>
<u>Agency Initial Decision Deadline</u>	<u>8-24-07</u>

Other Beds and Programs
2nd Batching Cycle – 2007

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-05-07</u>
<u>Letter of Intent Deadline</u>	<u>10-22-07</u>
<u>Application Deadline</u>	<u>11-21-07</u>
<u>Completeness Review Deadline</u>	<u>11-28-07</u>
<u>Application Omissions Deadline</u>	<u>12-26-07</u>
<u>Agency Initial Decision Deadline</u>	<u>2-22-08</u>

(h) through (j) No change.

(2) No change.

(3) Filing Fees. Certificate of need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base certificate of need application filing fee in accordance with Section 408.038, F.S. The minimum base fee shall be \$10,000. In addition to the base fee of \$10,000, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000.

(a) For the sole purpose of calculating the application fee, the proposed expenditure includes only the items of cost contributing to the capital expenditures of the proposed project. An application filing fee is non-refundable, unless the application is not accepted by the agency; or unless an accepted application is deemed incomplete and withdrawn by the agency as a result of the omissions review, and the withdrawal is not challenged by the applicant, in which case all but the \$105,000 base fee shall be refunded. No fees shall be refunded for applications deemed complete by the agency but subsequently voluntarily withdrawn by the applicant, or for applications deemed incomplete as a result of a legal challenge.

(b) through (c) No change.

(4) through (5) No change.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rommel Bain, 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: June 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

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 Medicine

RULE TITLE: Standard of Care for Office Surgery
 RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to address appropriate ACLS certification for office surgery settings.

SUMMARY: The proposed rule amendments set forth criteria for office surgery personnel with regard to ACLS certification.

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (3) No change.
- (4) Level II Office Surgery.
 - (a) No change.
 - (b) Standards for Level II Office Surgery.
 - 1. No change.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board

approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. ~~One The surgeon and one~~ assistant must be currently certified in Basic Life Support and the surgeon ~~or at least one assistant~~ must be currently certified in Advanced Cardiac Life Support ~~or have a qualified anesthesia provider practicing within the scope of the provider’s license manage the anesthesia.~~

3. through 4. No change.

Equipment and Supplies Required.

- (5) No change.
- (6) Level III Office Surgery.
 - (a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

- 1. Training Required.
 - a. No change.
 - b. ~~One The surgeon and one~~ assistant must be currently certified in Basic Life Support and the surgeon ~~or at least one assistant~~ must be currently certified in Advanced Cardiac Life Support.

2. through 4. No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS. History–New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Licensure
 RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to remove all references to the Florida Physician Assistant Licensure Examination (FPALE).

SUMMARY: The Board no longer administers the Florida Physician Assistant Licensure Examination (FPALE), so this provision is being removed from the licensure rule.

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: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) through (2) No change.

~~(3) The physician assistant examination for graduates of foreign medical schools:~~

~~(a) Beginning with the 2000 administration, the Florida physician assistant licensure examination (FPALE) for graduates of foreign medical schools shall consist of an examination that is similar to the last National Commission on Certification of Physician Assistant's exam, which is called the Physician Assistant National Certification Exam (PANCE), administered on or before December 31st of the preceding year, in the following manner:~~

~~1. The FPALE shall have the same number of parts as the PANCE.~~

~~2. The number of questions on the FPALE shall be the same as on the PANCE.~~

~~3. The general areas of competency on the FPALE shall be the same as on the PANCE, based upon those categories of testing revealed on the last publicly available PANCE outline.~~

~~(b) The minimum passing score for the examination shall be the average needed to pass at the last administration of the PANCE on or before December 31st of the preceding year.~~

~~(c) The examination fee shall not exceed \$300, plus the actual cost to the Department to provide the examination.~~

(4) through (6) renumbered (3) through (5) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: RULE NOS.:

Citations 64B12-8.021

Mediation 64B12-8.022

PURPOSE AND EFFECT: The Board proposes the rule amendments to eliminate outdated language and clarify existing provisions of the rule.

SUMMARY: The rule amendments will delete outdated language and clarify provisions of the rule.

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: 456.077, 456.078, 484.005 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-8.021 Citations.

(1) through (2) No change.

(3) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to make a fee or price information readily available by providing such information upon request or upon the presentation of a prescription pursuant to Section 484.014(l)(d), F.S., \$200.00;

(b) Failing to keep written prescription files pursuant to Section 484.014(l)(m), F.S., \$200.00;

(c) Failing to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C., \$200.00;

~~(d) Failing to display a current license pursuant to Rule 64B12-10.004, F.A.C., \$200.00;~~

~~(d)(e) Failing to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C., \$200.00;~~

~~(e)(f)~~ Failing to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C., \$200.00;

~~(f)(g)~~ Failing to return certificates and licenses to the Department, \$500.00;

~~(g)(h)~~ Failing to pay any civil penalty imposed by order of the Board or as required by Rule 64B12-8.017, F.A.C., \$200.00;

~~(h)(i)~~ Failing to complete the continuing education requirements prescribed in Section 484.008, F.S., and the rules promulgated thereto, \$500 plus \$25 per credit hour missing;

~~(i)(j)~~ Negligently failing to file a report or record required by state or federal law which person is required to make or file as an optician pursuant to Section 484.014(1)(c), F.S., \$150.00;

~~(j)(k)~~ Practicing opticianry with an inactive license, so long as the license has been inactive for a period not to exceed two months, pursuant to Section 456.036(1), F.S., \$500.00;

~~(k)(l)~~ Failing to file the proper report upon termination of terminate an apprenticeship properly; so long as the required reports are filed as required by Rule 64B12-16.004, F.A.C., \$200.00;

~~(l)(m)~~ Failing to file the proper report upon termination of notify the Department properly of termination as a sponsorship, so long as the required reports are filed as required by Rule 64B12-16.004 16.006, F.A.C., \$200.00;

~~(m)(n)~~ Failing to file complete reports and information timely, so long as they are filed as require by Rule 64B12-16.008, F.A.C., \$200.00; and

~~(n)(o)~~ Failing to provide change of address, pursuant to Rule 64B12-10.012, F.A.C., \$200.00.

(4) through (5) No change.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.073, 456.077, 484.014 FS. History--New 1-19-92, Amended 5-7-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, 8-16-04,_____.

64B12-8.022 Mediation.

The Board finds that mediation is an acceptable resolution of following violations where the subject has an explanation and a differing view from the complainant as to the nature or extent of the violation because they are economic in nature or can be remedied by the licensee:

(1) through (3) No change.

(4) Failing to file the proper report upon termination or apprenticeship, as required by Rule 64B12-16.004, F.A.C. Failure to give notice of withdrawal of services as required by Rule 64B12-13.003, F.A.C.

(5) Failing to file the proper report upon termination of sponsor, as required by Rule 64B12-16.004, F.A.C. Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.

~~(6) Failure to assure that duplicate prescription forms contain all the information required by Rule 64B12-10.0065, F.A.C.~~

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 10-24-94, Formerly 59U-8.022, Amended 8-16-04,_____.

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 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES:	RULE NOS.:
Examination for Licensure	64B12-9.001
Application for Examination and Licensure	64B12-9.0015
Re-Examination	64B12-9.002

PURPOSE AND EFFECT: The Board proposes the rule amendment to add that the practical examination must be state board approved; to delete gender language from the rules; to change the examination fee to the one specified in Rule 64B-1.016, F.A.C.

SUMMARY: The practical examination must be state board approved; gender specific language will be deleted from the rule; the examination fee will be the one specified in 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: 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014(2) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-9.001 Examination for Licensure.

(1) There shall be three parts to the examination for Florida licensure in opticianry: a national written opticianry competency examination; a national written contact lens examination; and a state board approved practical examination.

(2) The national written opticianry competency examination portion of the examination shall be the National Opticianry Competency Examination developed by the American Board of Opticianry. This portion of the licensure examination shall be completed through the American Board of Opticianry, and proof of successful completion shall be required prior to a candidate's taking of the state board approved practical examination.

(3) The national written contact lens examination portion of the examination shall be the Contact Lens Registry Examination developed by the National Contact Lens Examiners. This portion of the licensure examination shall be completed through the National Contact Lens Examiners, and proof of successful completion shall be required prior to a candidate's taking of the state board approved practical examination.

(4) No change.

(5) Proof of having successfully completed the national portions of the examination shall consist of certification of the candidate's scores from the testing body directly to the Board. It is the candidate's responsibility to arrange for transfer of scores. The scores shall reflect that the candidate successfully completed the examinations within the three years preceding application for licensure. ~~If however, or that the candidate successfully completed the examinations after August, 1979 and has maintained a current certificate since having successfully completed the examinations~~ by having completed continuing education courses. ~~The Board shall accept a copy of the original certificate of National Certification as evidence of successful completion.~~

(6) An applicant who has completed all the requirements for the state board approved practical examination and who has been certified eligible by the Board will be admitted to the practical examination.

(7) through (10) No change.

Specific Authority 456.017(1),(5), 484.005 FS. Law Implemented 456.017(1),(5) FS. History--New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99, 1-7-03,_____.

64B12-9.0015 Application for Examination and Licensure.

(1) Any person seeking licensure as an optician shall submit to the Board a completed application to take the examination on form DH-MQA 1065, 3/02 provided by the Department. The application shall be accompanied with the application fee specified in Rule 64B12-11.002, F.A.C., which is non-refundable, and the examination fee specified in Rule ~~64B-1.016 64B12-11.003~~, F.A.C., which shall be refunded if the applicant is denied examination or does not timely complete application.

(2) through (4) No change.

(5) Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon the following:

(a) Successful completion of required examinations,

(b) Successful completion of a two-hour laws and rules course by Board approved laws and rules course provider, ~~to be effective March 1, 2003,~~

(c) through (e) No change.

(6) through (7) No change.

Specific Authority 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS. Law Implemented 456.013, 456.017, 456.072, 484.007, 484.014(2) FS. History--New 3-30-89, Amended 3-29-92, 2-18-93, Formerly 21P-9.0015, Amended 5-2-94, Formerly 61G13-9.0015, 59U-9.0015, Amended 1-4-98, 11-28-02,_____.

64B12-9.002 Re-Examination.

An applicant who fails any portion of the state examination for licensure shall be required to pay the re-examination fee as set forth in Rule 64B12-11.004, F.A.C., and to retake only that portion of the examination on which the applicant ~~he~~ has not yet achieved a passing grade. However, an applicant may only retake any portion twice and must complete the allowed retakes within 2 years of the original failed examination date ~~of his original failure~~. An applicant who has not achieved a passing score on all portions of the original examination within 2 years of the original examination date must apply for and take the entire current licensure examination excluding ABO and NCLE, provided current certification is maintained.

Specific Authority 456.017(2), 484.005 FS. Law Implemented 456.017(2) FS. History--New 12-6-79, Amended 8-29-85, Formerly 21P-9.02, Amended 3-10-86, 3-5-87, Formerly 21P-9.002, Amended 5-2-94, Formerly 61G13-9.002, 59U-9.002, Amended_____.

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 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: RESPONSIBILITY TO CLIENT 64B12-10.003
PRESCRIPTION FILES AND TRANSFER 64B12-10.006

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the language relating to gender. The rule amendment also gives a time limit for providing notice to clients regarding practice relocation, termination of practice, or death of optician.

SUMMARY: Rule amendment will update gender language. Also gives 60 day time limit for informing clients of practice relocation, termination of practice, or death of optician.

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: 456.058, 484.005 FS.

LAW IMPLEMENTED: 456.057(11), 456.058, 484.005(3), 484.012(1) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-10.003 Responsibility to Client.

An optician shall give due notice to the client when ~~he withdraws his services~~ are withdrawn so that the client may make other arrangements for replacement services. For purposes of this rule, due notice shall consist of publication in a newspaper of general circulation in the area of the optician's practice for one (1) day for four (4) consecutive weeks informing the clients of the need to seek replacement services and the closing of the practice.

Specific Authority 484.005 FS. Law Implemented 484.005(3) FS. History--New 12-6-79, Formerly 21P-10.03, 21P-10.003, 61G13-10.003, Amended 12-4-95, Formerly 59U-10.003, Amended _____.

64B12-10.006 Prescription Files and Transfer.

Prescription files which are less than 2 years old when exist at the time the optician dies, terminates ~~the his~~ practice, or relocates and is no longer available to ~~the his~~ patients, shall be transferred the optician or the optical establishment shall transfer all prescription files which are less than 2 years old to a location where they may be obtained by clients. The prescription files must be retained 2 years after the optician's death, termination of practice, or relocation. The optical establishment shall also provide notice, within 60 days, to its clients of the establishment's closing and advertise where the prescription files may be obtained, pursuant to Section 456.057 (11), F.S. (2005).

Specific Authority 456.058, 484.005(3) FS. Law Implemented 456.057(11), 456.058, 484.012(1) FS. History--New 12-6-79, Formerly 21P-10.06, Amended 3-5-87, 12-23-90, Formerly 21P-10.006, 61G13-10.006, 59U-10.006, Amended 8-6-97, _____.

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 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES: RULE NOS.:

Licensure by Endorsement 64B32-2.001

Fees for Application and Initial Licensure 64B32-2.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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: 456.013(2), 456.065, 468.353(1), 468.358(3), 468.364 FS.

LAW IMPLEMENTED: 456.065, 468.358(2),(3), 468.364, 468.365 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: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

LICENSURE REQUIREMENTS ADMISSION OF REGISTERED RESPIRATORY THERAPISTS

64B32-2.001 Licensure Registration by Endorsement.

(1) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) Every applicant for licensure registration as a registered respiratory therapist or certified respiratory therapist by endorsement shall demonstrate the following:

(a)1.(1)(a) That the applicant holds the "Registered Respiratory Therapist" or "Certified Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2.(b) That the applicant holds licensure registration, or the equivalent, to deliver respiratory care in another state and such licensure registration was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b)(2) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(c)(3) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2),(3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, _____.

64B32-2.003 Fees for Application; and Initial Licensure and Renewal Registration.

(1) The application fee for a person desiring to be granted licensure registration as a registered respiratory therapist shall be \$50.00.

(2) through (3) No change.

Specific Authority 456.013(2), 456.065, 468.364 FS. Law Implemented 456.065, 468.364 FS. History--New 4-29-85, Formerly 21M-34.04, 21M-34.004, Amended 2-15-94, Formerly 61F6-34.004, Amended 9-29-94, Formerly 59R-71.004, 64B8-71.004, Amended 4-27-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: SSI-Related Medicaid Post-Eligibility Treatment of Income RULE NO.: 65A-1.714

PURPOSE AND EFFECT: This action repeals Rule 65A-1.714, F.A.C., SSI-Related Post-Eligibility Treatment of Income, in accordance with the ruling of the District Court of Appeal, First District, and the Division of Administrative Hearings, State of Florida.

SUMMARY: The proposed repeal of Rule 65A-1.714, F.A.C., SSI-Related Post-Eligibility Treatment of Income is in accordance with the ruling of the District Court of Appeal, First District, and the Division of Administrative Hearings, State of Florida, Case No. 1D03-1441.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 1, 2005

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.714 SSI-Related Medicaid Post-Eligibility Treatment of Income.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Bailey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010 RULE TITLE: Educational Facilities NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 20, of the May 20, 2005, issue of the Florida Administrative Weekly. Table A in Section 6.1 of the 2005 Addendum to State Requirements for Educational Facilities was amended as follows:

1. GENERAL EDUCATION SPACE (N-12)						
a. Core-curricula						
001	PK-3	Primary	*18	1	49	808, 811, 813, 814
002	4-8	Intermediate/Middle	*22	1	39	808, 811, 815, 816
003	9-12	Senior High	*25	1	32	808
010	PK-3	Primary-Skills Lab	*18	1	49	808, 813, 814
(1 per each 400 student stations without FISH capacity, additional rooms will have capacity)						
011	4-8	Intermediate/Middle-Skills Lab	*22	1	39	808, 815, 816
012	9-12	Senior High-Skills Lab	*25	1	32	808
020	4-8	Intermediate/Middle-Science Demonstration	*22	1	37	808, 812
021	4-8	Intermediate/Middle-Science Lab	*22	1	51	808, 812
022	9-12	Senior High-Science Demonstration	*25	1	37	808, 812
023	9-12	Senior High-Science Lab	*25	1	51	808, 812
030	PK-3	Primary-Open Plan	*36, 54, 72	2, 3, 4	38	808, 813, 814
031	4-8	Intermediate/Middle-Open Plan	*44, 66, 88	2, 3, 4	32	808, 815, 816
032	9-12	Senior High-Open Plan	*50, 75, 100	2, 3, 4	27	808
060	N-PK	ESE Pre-K	*5	1	95	808, 813, 817
061	PK-12	ESE Part-Time	*15	1	65	808, 813, 815, 816
062	PK-12	ESE Full-Time	*10	1	95	808, 813, 815, 816, 817
063	PK-12	ESE Vocational	*12	1	95	808, 815, 816
NOTE: All fund sources that require an approved survey recommendation and compliance with the cost per student station as specified in Section 1013.64(6)(b)1., F.S., must not exceed the specified cost per student station based on the maximum allowable NSF per student station for the total project. The cost per student station maximum does not apply to projects with a fund source that is not regulated by an approved survey recommendation and the student station cost maximums established in Section 1013.64(6)(b)1., F.S.						
b. Non-Core-Curricula Instructional Support						
040	PK-12	Resource Room	*10	1	29	808
<u>(1 per each 150 stations in elementary schools and 1 per each 250 stations in middle/high schools without FISH capacity; additional resource rooms will have capacity)</u>						
050	PK-5	Art – Elementary	*30 <u>22</u>	1	37 <u>1000</u>	808, 812
(1 per elementary school without FISH capacity; additional rooms will have capacity)						
051	4-8	Art – Intermediate/Middle	*30	1	42	803, 805, 808, 812
052	9-12	Art – Senior High	*30	1	53	803, 805, 808, 812
064	PK-12	ESE PT/OT	*5	1	95	808, 813, 817
065	PK-12	ESE Resource	*4	1	95	808, 813
<u>(1 per each 500 stations without FISH capacity; additional ESE resource rooms will have capacity)</u>						
066	PK-12	ESE Supplemental Instruction	*2	1	50	808
067	PK-12	ESE Observation Booth			150	
068	PK-12	ESE Time Out			40	
069	PK-12	ESE Audiology Lab			250	808
070	PK-12	Itinerant	*4	1	50	808
071	PK-12	Therapy Pool	one		1000	808, 818(2)
(Profound centers only)						
c. Music						

055	PK-5	Music (1 per elementary school without FISH capacity; additional rooms will have capacity)	*22	1	1000	806, 808, 831
075	6-12	Vocal Music Classroom	*25	1	57	806, 808, 830, 831, 833, 836, 837
076	6-12	Band Classroom **	one	1	2000	806, 808, 830, 831, 832, 834, 835, 836, 837
077	6-12	Orchestra Classroom	*25	1	57	806, 808, 830, 831, 832, 836, 837
078	6-12	General Music Classroom	*25	1	37	808, 832
079	6-12	Guitar Laboratory	*25	1	37	808, 832
080	6-12	Piano Laboratory	*25	1	37	808
081	6-12	Recording Room	5		45	
082	6-12	Instrument Repair	one		110	
083#	6-12	Music Related Space (use for spaces not found in design codes 830-837)				

** Student stations are assigned to design code 076 for band classrooms as follows:

Total Satisfactory Student Stations

(Excluding gymnasiums,
and band classrooms)

Assign Band Stations

240 or less	30
241 – 820	35
821 – 1080	40
1081 – 1340	45
1341 and above	50

d. Physical Education

<u>013</u>	<u>PK-5</u>	<u>Physical Education Storage</u>	<u>one</u>		<u>315</u>
<u>014</u>	<u>PK-5</u>	<u>PE Covered Play Area (one per school)</u>	<u>10% cap</u>		<u>36</u>
090	6-12	Dressing Room – Male	5% cap		12
091	6-12	Dressing Room – Female	5% cap		12
092	6-12	Lockers – Male	5% cap		2
093	6-12	Lockers – Female	5% cap		2
094	6-12	Showers – Male	5% cap		2
095	6-12	Showers – Female	5% cap		2
815	6-12	Rest Room – Male	5% cap		2
816	6-12	Rest Room – Female	5% cap		2
096	6-12	Drying Area – Male	5% cap		2
097	6-12	Drying Area – Female	5% cap		2
098	6-12	Storage	5% cap		9
099	6-12	Teachers Shower – Male	one		22
100	6-12	Teachers Shower – Female	one		22
013	PK-5	Physical Education Storage	one		315
014	PK-5	PE Covered Play Area (one per school)	10% cap		36
110	6-12	Multipurpose/Instruction	one		1050
111	6-9	Gymnasium Floor ***	one	1	5800
112	9-12	Gymnasium Floor ***	one	1	6500
113	6-12	Gymnasium Seating	10% cap		32
114	6-12	Laundry/Towel Distribution	5% cap		2
115	6-12	First Aid	5% cap		2

116	6-12	Training Room (with whirlpool)	one	250
117	6-12	Weight Room	one	1000
118	6-12	Wrestling Room	one	1680
119	6-12	Gymnastics/Dance	one	1050
120	6-12	Gymnasium Storage	5% cap	3
121#	6-12	Other Physical Education Space		

(use for spaces not found in design codes 800-827)

*** Student stations are assigned to design codes 111 and 112 for gymnasiums as follows:

Total Satisfactory Student Stations

(Excluding gymnasiums,

and band classrooms)

Assign PE Stations

240 or less	40
241 – 820	60
821 – 1080	80
1081 – 1340	120
1341 and above	160

2. VOCATIONAL-TECHNICAL SPACE (6-PS)

a. Agricultural Education

200	6-9	Orientation & Exploration Laboratory	*22	1	40	808, 812, 840, 841
201	9-12	Practical Experience Laboratory	*25	1	50	806, 810, 847, 848, 850, 840, 841
202	9-PS	Small Education Laboratory	*20	1	55	806, 810, 818(2), 840, 841, 847, 848, 850
203	9-PS	Medium Education Laboratory	*20	1	80	806, 810, 818(2), 840, 841, 847, 848, 851
204	9-PS	Large Education Laboratory	*20	1	128	806, 810, 818(2), 840, 841, 847, 848, 851

b. Business Education

210	6-9	Orientation & Exploration Laboratory	*22	1	55	808
211	9-12	Practical Experience Laboratory	*25	1	62	808
212	9-PS	Education Laboratory	*20	1	73	808

c. Distributive and Diversified Education

220	6-9	Orientation & Exploration Laboratory	*22	1	40	808
221	9-12	Practical Experience Laboratory	*25	1	42	808
222	9-PS	Small Education Laboratory	*20	1	55	812, 840
223	9-PS	Medium Education Laboratory	*20	1	100	808, 812, 840
224	9-PS	Large Education Laboratory	*20	1	200	810, 812, 840

d. Family and Consumer Sciences

230	6-9	Orientation & Exploration Laboratory	*22	1	70	808, 812, 842, 843, 852
231	9-12	Practical Experience Laboratory	*25	1	64	808, 843, 852
232	9-PS	Small Education Laboratory	*20	1	55	812, 852
233	9-PS	Medium Education Laboratory	*20	1	69	808, 842, 843, 852
234	9-PS	Large Education Laboratory	*25	1	90	812, 842, 843, 852

e. Technology Education

240	6-9	Orientation & Exploration Laboratory	*22	1	95	808, 849, 851, 852
241	9-12	Small Education Laboratory	*25	1	65	808, 852
242	9-12	Medium Education Laboratory	*25	1	95	810, 852
243	9-12	Large Education Laboratory	*25	1	135	808, 810, 849, 851, 852

f. Industrial Education						
244	9-PS	Small Education Laboratory	*20	1	55	808, 840
245	9-PS	Medium Education Laboratory	*20	1	90	808, 810, 840, 849, 850
246	9-PS	Large Education Laboratory	*20	1	200	808, 810, 840, 847, 849, 850
g. Health Occupations Education						
250	6-9	Orientation & Exploration Laboratory	*22	1	46	808
251	9-12	Practical Experience Laboratory	*25	1	56	808
252	9-PS	Small Education Laboratory	*20	1	60	804, 808, 812, 840
253	9-PS	Medium Education Laboratory	*20	1	110	804, 806, 808, 810, 812, 840, 849
254	9-PS	Large Education Laboratory	*20	1	165	804, 806, 810, 818, 840, 849
h. Public Service Education						
260	6-9	Orientation & Exploration Laboratory	*22	1	46	808, 810
261	9-12	Practical Experience Laboratory	*25	1	55	808
262	9-PS	Small Education Laboratory	*20	1	40	808
263	9-PS	Medium Education Laboratory	*20	1	65	810, 840
264	9-PS	Large Education Laboratory	*20	1	98	810, 840
i. Vocational Resource Space						
270	9-PS	Work Evaluation Laboratory (one per school)	*15	1	74	810, 853
271	9-PS	VPI Vocational Preparatory Instruction (one per school)	*15	1	47	802, 808, 840 , 846, 853 840
272#	9-PS	Vocational Laboratory Support (use for spaces not found in design codes 840-870)				

Note 1: Related and select spaces may be added or deleted based on the unique vocational program needs as supported by enrollment, projections, COFTE, and other data. See AVocational Recommended Spaces@crosswalk for individual program recommendations provided by the Office of Workforce and Economic Development.

Note 2: As per Section 1013.31, F.S., the Office of Workforce and Economic Development shall establish and transmit to the Office documentation of the need for programs.

Capacity: The number of students that may be housed in a facility at any given time based on a utilization percentage of the total number of existing satisfactory student stations:

<u>Type School</u>	<u>Utilization Factor Percentage</u>	<u>Satisfactory Student Stations</u>
Elementary	100%	All
Middle & Junior High	90%	All
Senior High	70%	300 or less
	75%	301 – 600
	80%	601 – 900
	85%	901 – 1200
	90%	1201 – 1500
	95%	1501 – or more
Combination Schools	90%	All
Exceptional Student Centers	100%	All
Alternative Education Centers	100%	All

		Designated Area Vocational Centers	120%	All
		Designated Adult Centers	150%	All
		Note 3: Adult and Vocational Centers have increased utilization factors because of specialized day, evening, and weekend use of facilities.		
		3. AUXILIARY SPACE (N-PS)		
		a. Administration/Student Services		
300	N-PS	Principal's/Director's Office	each	250
301	N-PS	Assistant Principal/Media/Administrative/ Guidance Office	each	175
302	N-PS	Bookkeeping Office	each	125
303	N-PS	Secretarial Space	each	158
304	N-PS	General Administrative Reception Area	5% cap	17
305	N-PS	Production Workroom	5% cap	8
306	N-PS	Conference Room	5% cap	14
307	N-PS	Clinic	5% cap	6
308	N-PS	Administrative Storage	5% cap	10
309	N-PS	Records Vault/Student Records	5% cap	6
310	N-PS	School Store	5% cap	2
311	N-PS	Student Activities Area	5% cap	10
312	N-PS	Computer Area	5% cap	3
313	N-PS	Careers Room	5% cap	6
314	N-PS	Itinerant Office (one per each 400 stations)	each	125
315	N-PS	Teacher Planning Office	10% cap	20
316	N-PS	Teacher Lounge/Dining	10% cap	4
317#	N-PS	General Administrative Space (use for spaces not found in design codes 800-827)		
		b. Custodial		
330	N-PS	Custodial Receiving	10% cap	15
331#	N-PS	Service Closets		
332#	N-PS	Work Area		
333	N-PS	Flammable Storage	one	155
334	N-PS	Equipment Storage	one	500
		c. Food Service		
340	N-PS	Dining Area	10% cap	40
341	N-PS	Kitchen and Serving Area	10% cap	44
342#	N-PS	Kitchen Dry Storage Area		
343#	N-PS	Kitchen Office		
344#	N-PS	Kitchen Garbage Wash Area		
345#	N-PS	Kitchen Non-food Storage Area		
346#	N-PS	Kitchen Food Preparation Area		
347#	N-PS	Kitchen Dish Washing Area		
348#	N-PS	Satellite Kitchen		
349	N-PS	Chair Storage	5% cap	4
350#	N-PS	Other Food Service (use for spaces not found in design codes 800-827)		
351	6-12	Covered Patio	10% cap	36
		d. Auditorium (cannot be included with multipurpose room)		
360	6-PS	Auditorium Seating	10% cap	30

		e. Multipurpose (cannot be included with auditorium)		
361	N-PS	Multipurpose Room	10% cap	31
362	N-PS	Chair Storage	10% cap	2
		f. Stage		
363	N-PS	Stage attached to auditorium, multi-purpose, gym, or dining	one	990
364	N-PS	Storage	10% cap	5
365	N-PS	Dressing – Male	5% cap	5
366	N-PS	Dressing – Female	5% cap	5
367	N-PS	Control Booth/Projection Room	one	100
		g. Textbook Storage		
368	N-PS	Textbook Storage Area	5% cap	7
		h. Student Storage		
369	6-PS	Student Personal Storage	10% cap	5
		i. Public Use (With Auditorium and/or Gymnasium per school)		
370	6-PS	Lobby	5% cap	10
371	6-PS	Concessions	one	200
372	6-PS	Ticket Booth	one	30
		j. School Media Center		
380	P-PS	Reading Room/Stacks	10% cap	37
381	P-PS	Technical Processing Area	10% cap	4
382	P-PS	Production & Professional Library	10% cap	4
383	P-PS	AV Storage Area	10% cap	6
384	P-PS	Periodical Storage Area	10% cap	2
385	P-PS	Closed Circuit TV (Production, Distribution, and Control)	10% cap	7
386	P-PS	Closed Circuit Storage Area	10% cap	5
387	P-PS	Media Production Laboratory	10% cap	5
388	P-PS	Copying Room	10% cap	2
389	P-PS	Small Group Room (view & preview)	5% cap	2
390	P-PS	Group Projects and Instruction	10% cap	5
391	P-PS	Media Maintenance and Repair	5% cap	2

4. ANCILLARY SPACE (DISTRICT)

Total Ancillary Allocation = Survey Projected COFTE x NSF Factor

<u>COFTE</u>	<u>NSF Factor</u>
0 – 10,000	6.00
10,001 – 20,000	5.75
20,000 – 30,000	5.50
30,001 – 50,000	5.25
50,001 – 100,000	5.00
100,001 – 200,000	4.75
200,001 – 600,000	4.50

a. Ancillary Administrative Support (38%)

NSF allocated for ancillary administrative support is to be distributed by the district among design codes 400-415 and 417-428.

400	Superintendent			200
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401	Conference Room	100
402	Superintendent's Secretary	
403	Ancillary Secretarial/Clerical Offices	
404	Ancillary Reception Area	100
405	Vault	100
406	Assistant Superintendent	180
407	Ancillary Administrative Offices	100
408	Business Operations	
409	Terminal Storage Area (Business Operations)	
410	School Plant Planning	
411	Word Processing Center	
412	Personnel Services	
413	Central Reproduction and Copy	
414	Central Administrative Supply	
415	Mail Room	
417	Central Security	
418	Ancillary Administrative Storage	
419	Ancillary Flammable Storage	
420	Board Meeting Room	500
421	Ancillary Staff Lounge	200
422	Main Lobby and Switchboard	
424	Director's Office	
425	Assistant Director's Office	
426	General Office	
427	Staff Development/Instructional	
428#	Other Ancillary Administrative Support	
	b. Ancillary Custodial Services (2%)	
	NSF allocated for ancillary custodial services is to be distributed by the district for design code 416.	
416	Custodial Services	
	c. Ancillary Computer/Data Center (2%)	
	NSF allocated for ancillary computer/data centers is to be distributed by the district among design codes 500-506.	
500	Programmer Room	
501	Data Processing Technical Area	
502	Data Processing Equipment	
503	Computer Room (Raised Floor)	
504	Off-Line Equipment Room	
505	Ancillary Computer Storage	
506#	Other Central Equipment Support	
	d. Ancillary Support Facilities (50%)	
	NSF allocated for ancillary support facilities is to be distributed by the district among design codes 510-594.	
510	Warehouse	
515	Central Kitchen	
520	Carpentry Shop	
525	Glazing Shop	
530	Masonry Shop	
535	Small Engine Shop	
540	Electronics Shop	
545	Electrical Shop	
550	Machine Shop	

555	Plumbing Shop				
560	Paint Shop				
565	Welding Shop				
570	Air Conditioning				
575	Carpet Shop				
580	Locksmith Shop				
585	Garage Parts room				
586	Machine Shop				
587	Glass/Upholstery Shop				
588	Body Shop				
589	Paint/Flammable Storage				
590	Paint Bay			800	
591	Tire Storage & Mounting				
592	Work Bay			80	
593	Drivers' Classroom			400	
594	Ancillary Support Storage				
	e. Ancillary Media Services (8%)				
	NSF allocated for ancillary media services is to be distributed by the district among design codes 600-612.				
600	Library Warehouse/Stacks				
601	Reference				
602	Professional Library				
603	Periodical/Journal Services				
604	Central Media Processing				
605	Audio Visual Equipment				
606	Closed Circuit TV Laboratory				
607	Closed Circuit Support				
608	Media Production Laboratory				
609	Media Copying Room				
610	Media Maintenance/Repair				
611	Ancillary Media Storage				
612#	Other Ancillary Media Space				
	5. SPECIAL USE DESIGN CODES				
700#	Inside Circulation Area				
701#	Covered Walkway				
702#	Mechanical Room				
703#	Electrical Room				
704#	<u>K-12</u> K-12 In School Suspension or Detention Room	*20	1	30	808, 815, 816
705#	Museum/Gallery/Art Display Room				
707#	Telephone Equipment Room				
708#	<u>9-12</u> J.R.O.T.C.	*25	1	42	800, 801, 802, 808
	6. RELATED SPACES				
	a. Combination and General Use Related Spaces				
800	Arms Room			150	708
801	Firing Range (indoor)			2400	708
802	Conference (instructional)			225	708, 271
803	Darkroom			100	051, 052
804	Dispensary			135	252, 253, 254
805	Kiln			60	051, 052

806	Reference		100	055, 075, 076, 077, 201, 202, 203, 204, 253, 254
808	Storage		100	001, 002, 003, 010, 011, 012, 020, 021, 022, 023, 030, 031, 032, 040, 050, 051, 052, 055, 060, 061, 062, 063, 064, 065, 066, 069, 070, 071, 075, 076, 077, 078, 079, 080, 200, 210, 211, 212, 220, 221, 223, 230, 231, 233, 240, 241, 243, 244, 245, 246, 250, 251, 252, 253, 260, 261, 262, 271, 704, 708
810	Storage, Material (large)		395	201, 202, 203, 204, 224, 242, 243, 245, 246, 253, 254, 260, 263, 264, 270
811	Storage, Outside		50	001, 002
812	Storage, Project (small)		150	020, 021, 022, 023, 050, 051, 052, 200, 222, 223, 224, 230, 232, 234, 252, 253
813	Storage, Student (N-3 NB3 , ESE, & Vocational Education)	40		001, 010, 030, 060, 061, 062, 064, 065
814	Student Rest Rooms – Male/Female (PreK-3)		60	001, 010, 030
815	Student Rest Rooms – Male (4-12)	<u>5% cap</u>	<u>15</u> 60	002, 011, 031, 061, 062, 063, 704
816	Student Rest Rooms – Female (4-12)	<u>5% cap</u>	<u>15</u> 60	002, 011, 031, 061, 062, 063, 704
817	Student Rest Room and Bath (ESE)		110	060, 062, 064
818	Lockers, Rest Rooms, and Showers (ESE & Vocational Education)		225	071, 202, 203, 204, 254
819	Rest Rooms, Staff – Male	5% cap	4	
820	Rest Rooms, Staff – Female	5% cap	4	
821#	Rest Rooms, Staff – Male/Female			
822	Public Rest Rooms – Male	5% cap	2	
823	Public Rest Rooms – Female	5% cap	2	
824	Rest Rooms, Ancillary – Male	5% COFTE	2	
825	Rest Rooms, Ancillary – Female	5% COFTE	2	
826#	Elevators, Freight/Passengers			
827#	Elevators (Passenger/Handicapped)			
	b. Music Related Spaces			
830	Ensemble		300	075, 076, 077
831	Practice, Music, one per 40 students		70	055, 075, 076, 077

832	Storage, Instrument			600	076, 077, 078, 079
833	Storage, Robe			150	075
834	Storage, Uniform			300	076
835	Studio			180	076
836	Sheet Music Storage			150	075, 076, 077
837	Storage, Large Equipment			400	075, 076, 077
c. Vocational Related Spaces					
840	Classroom for Related Instruction	*20	1	34	200, 201, 202, 203, 204, 222, 223, 224, 244, 245, 246, 252, 253, 254, 263, 264, 271
(Stations are assigned for any space other than approved classrooms associated with vocational laboratory.)					
841	Greenhouse			800	200, 201, 202, 203, 204
842	Kitchen (Family and Consumer Sciences)			125	230, 233, 234
843	Laundry (Family and Consumer Sciences)			50	230, 231, 233, 234
846	Reception (instructional)			90	271
847	Storage, Flammable			125	201, 202, 203, 204, 246
848	Storage, Machinery			1100	201, 202, 203, 204
849	Storage, Project (large)			310	240, 243, 245, 246, 253, 254
850	Storage, Tool (small)			195	201, 202, 245, 246
851	Storage, Tool (large)			310	203, 204, 240, 243
853	Testing			250	270, 271
852	Technology Resource Center			800	230, 231, 232, 233, 234, 240, 241, 242, 243
d. Vocational Select Spaces					
807	Storage, Equipment			315	
844	Multipurpose Laboratory (Family and Consumer Sciences)			1200	
845	Observation (Family and Consumer Sciences)			50	
854	Vocational Darkroom			225	
861	Animal Shelter			1000	
862	Burn/Fire Maze Instruction			1100	
863	Fitting Room			50	
864	Isolation Room			45	
865	Radio Control Room			100	
866	Radio/Studio(2)			900	
867	TV Control Room (2)			600	
868	TV Studio (2)			1100	
869	X-Ray			135	
870	Test Cell			150	

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.200
RULE TITLE: Nursing Facility Services
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 21, May 27, 2005, issue of the Florida Administrative Weekly. In response to written comments received prior to the public hearing, update July 2004 to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, which is being incorporated by reference in Rule 50G-4.200, F.A.C., has been revised as follows:

Page 2-21, Reserving a Nursing Facility Bed, in the first sentence “up to eight (8) days” was added. The sentence now reads, “Medicaid can pay to reserve a bed in the nursing facility for up to eight (8) days when a Medicaid-only resident is approved for the Institutional Care Program (ICP) and goes into the hospital or on therapeutic leave during their per diem days.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008
RULE TITLE: Permitted Medications for Horses
NOTICE OF WITHDRAWAL

Notice is hereby given that the above-proposed rule as published in Vol. 30, No. 48, November 24, 2004, issue of the Florida Administrative Weekly is withdrawn.

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

Division of Environmental Health

RULE NO.: 64E-18.010
RULE TITLE: Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 40, October 1, 2004, of the Florida Administrative Weekly:

The changes were made in response to comments received by the Department.

Rule 64E-18.010, F.A.C., has been changed so that when adopted it will read the same as the original rule.

64E-18.010 Fees.

(1) The following schedule of fees is hereby established. The fees listed below are required to accompany applications for certification, initial certificate issuance, application for certificate renewal, and application to renew an inactive certificate:

- (a) Application for certification including initial examination. \$25
- (b) Initial certification. \$25
- (c) Additional program certifications. \$10
- (d) Renewal of certification. \$25

(2) The fee listed in (1)(b) is for the biennial period, and shall be pro-rated to a half-period fee if certification is initially granted during the second year of the biennial period.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.011, Amended 3-2-98.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Sales of Books, Clothing and School Supplies during the Period July 23 through July 31, 2005
RULE NO.: 12AER05-5

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 1, Chapter 2005-271, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., July 23, 2005, through midnight, July 31, 2005, for sales of

books, clothing, wallets, or bags having a selling price of \$50 or less per item and for sales of school supplies having a selling price of \$10 per item or less. The exemption does not apply to sales within a theme park or entertainment complex as defined in Section 509.013(9), F.S., or within a public lodging establishment as defined in Section 509.013(4), F.S., or within an airport as defined in Section 330.27(2), F.S. The rule defines "clothing," "books," "school supplies," "theme park or entertainment complex," "public lodging establishment," "airport" and "mail order sales." The rule describes the items that are included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, refunds, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, reporting requirements, documentation to be maintained, and merchant's license fees. The rule provides a list of items and their taxable status during the exemption period for clothing, school supplies, and books. REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 1, Chapter 2005-271, Laws of Florida, which specify a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 1, Chapter 2005-271, Laws of Florida.

SUMMARY OF THE RULE: Emergency Rule 12AER05-5 notifies the general public and retailers of the exemption during the period from 12:01 a.m., July 23, 2005, through midnight, July 31, 2005, for sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item and for sales of school supplies having a selling price of \$10 per item or less.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-9838

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER05-5 Sales of Books, Clothing and School Supplies during the Period July 23 through July 31, 2005.

(1) Exempt Clothing and Book Sales.

(a) Beginning at 12:01 a.m. on July 23, 2005, and ending at midnight on July 31, 2005 (the exemption period), no tax is due on the sale or purchase of any book, article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$50.00 or less. This

exemption does not apply to sales of books, clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible book, item of clothing, wallet, or bag, selling for \$50.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$40.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$80.00) exceeds \$50.00.

(c)1. The exemption does not apply to the first \$50.00 of price of an eligible book, item of clothing, wallets, or bags, selling for more than \$50.00.

2. Example: A customer purchases a pair of pants costing \$70.00. Tax is due on the entire \$70.00.

(2) Exempt Sales of School Supplies.

(a) Beginning at 12:01 a.m. on July 23, 2005, and ending at midnight on July 31, 2005 (the exemption period), no tax is due on the sale or purchase of any item of school supplies with a selling price of \$10.00 or less. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$10.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases five composition books for \$2.50 each. All five items will qualify for the exemption, even though the customer's total purchase price (\$12.50) exceeds \$10.00.

(c)1. The exemption does not apply to the first \$10.00 of price of an eligible item of school supplies selling for more than \$10.00.

2. Example: A customer purchases a calculator costing \$18.00. Tax is due on the entire \$18.00.

(3) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Book" means a set of printed sheets bound together and published in a volume. The term "book" does not include newspapers, magazines, or other periodicals, or audio books. Books are different from periodicals in that books, in addition to the above, are also generally identified with an International System Book Numbering (ISBN) number, while periodicals are dated and generally have an issue number, but not an ISBN number.

(c) "School supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.

(d) “Theme park or entertainment complex” means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(e)1. “Public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefore, are set out in Section 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in Section 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under Sections 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by Chapter 513, F.S.

(f) “Airport” means any area of land or water, or any man-made object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(g) “Mail order sale” is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or

not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(4) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(c) Example: A desk set consisting of a stapler and a pair of scissors is sold for a single price of \$9.95. Although the scissors would otherwise be exempt during the exemption period, the full price of the desk set is taxable because the stapler is taxable.

(5) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$80.00. The pair cannot be split in order to sell each shoe for \$40.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$50.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$50.00 or less.

(d) Example: A pen and pencil set is normally priced at \$18.00 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$10.00 or less in order to qualify for the exemption.

(e) Example: A set of five books normally sells for \$199.95 on a single set price. The set cannot be split into separate articles so that each book sells for \$50.00 or less.

(6) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as “buy one, get one free,” or “buy one, get one for a reduced price,” cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as “buy one, get one free.” The first pair of pants is priced at \$70.00; the second pair of pants is free. Tax is due on \$70.00. The store cannot sell each pair of pants for \$35.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$70.00 pants for \$35.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as “buy one pair at the regular price, get a second pair for half price.” The first pair of shoes is sold for \$60.00; the second pair is sold for

\$30.00 (half price). Tax is due on the \$60.00 shoes, but not on the \$30.00 shoes. The store cannot sell each pair of shoes for \$45.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25% off, thereby selling each pair of \$60.00 shoes for \$45.00, making each pair eligible for the exemption.

(7) Mail Order Sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an "in date" stamp on a mail order or assigning an "order number" to a telephone order.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(8) Shipping and Handling Charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, to determine if any items qualify for the exemption, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice.

(b) Example 1: A customer orders a jacket for \$50.00. The shipping charge to deliver the jacket to the customer is \$5.00. The selling price of the jacket is \$55.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items: $300 / 340 = 88\%$, therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

<u>Suit</u>	<u>\$300.00</u>
<u>Shipping for suit</u>	<u>13.20</u>
<u>Shirt</u>	<u>40.00</u>
<u>Shipping For shirt</u>	<u>1.80</u>

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$45.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items: $300 / 345 = 87\%$. Therefore, 87% of the \$50.00 shipping charge, or \$43.50, must be allocated to the suit, and separately identified on the invoice as such. The remaining 13% of the \$50.00 shipping charge, or \$6.50, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$45.00 plus \$6.50, totaling \$51.50; since the selling price of the shirt exceeds \$50.00, the purchase of the shirt is taxable.

<u>Suit</u>	<u>\$300.00</u>
<u>Shipping for suit</u>	<u>43.50</u>
<u>Shirt</u>	<u>45.00</u>
<u>Shipping for shirt</u>	<u>6.50</u>

(9) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the merchandise. For purposes of this exemption, eligible items will qualify for the exemption if a retailer and a customer enter into a contract for a layaway sale during the exemption period, the customer makes the usual deposit in accordance with the retailer's layaway policy, and the merchandise is segregated from the retailer's inventory. Also, if final payment on a layaway order is made by, and the merchandise is given to, the customer during the exemption period, that sale of eligible items will qualify for the exemption.

(10) Rain Checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases a \$50.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$50.00 dress for a \$75.00 dress. Tax is due on the \$75.00 dress. The \$50.00 credit from the returned item cannot be used to reduce the sales price of the \$75.00 item to \$25.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

3. A customer purchases notebook filler paper for \$3.95 during the exemption period. Later during the exemption period, the customer exchanges the notebook filler paper for note pads costing the same amount. Tax is due on the note pads, because they are not eligible for the exemption.

(12) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period July 23, 2005, through September 30, 2005, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A jacket sells for \$55.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$55.00 even though the customer only pays the retailer \$45.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$50.00 or less, or of a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$55.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$49.50. The suit is taxable (its price is over \$50.00) and the shirt is exempt (its price is less than \$50.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$55.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$55.00.

(14) Repairs and Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$49.00, and pays \$5.00 to the retailer to have the pants cuffed. The \$49.00 charge for the pants is exempt; however, tax is due on the \$5.00 alteration charge.

(15) Gift Certificates.

(a) Eligible items purchased during the exemption period using a gift certificate will qualify for the exemption, regardless of when the gift certificate was purchased. Eligible items purchased after the exemption period using a gift certificate are taxable even if the gift certificate was purchased during the exemption period. A gift certificate cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or of a school supply item to \$10.00 or less, in order for the item to qualify for the exemption.

(b) Example: A customer purchases a dress priced at \$90.00 and uses a \$50.00 gift certificate. Tax is due on \$90.00. The gift certificate does not reduce the selling price to \$40.00 for purposes of the exemption.

(16) Rentals. Rentals of books, clothing or footwear do not qualify for the exemption.

(17) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(18) Record Retention and Documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(19) License Fees or other Fees Imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item, whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$49.95. The separately stated 1% gross receipts fee for this item is \$0.50. Since the gross receipts fee is part of the sales price of the item (\$50.45), the jacket will not qualify for the exemption.

(20) List of Items of Clothing and their Taxable Status during the Exemption Period. The following is a list of items of clothing and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Jewelry
- E Neckwear
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic clothing
- E Antique clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters

- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps, and cover-ups
- E Belt buckles
- E Belts
- T Belts for weightlifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (sold)
- T Bowling shoes (rented)
- E Bow ties
- E *Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases

- C
- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E *Choir and altar clothing
- E Cleated or spiked shoes
- E *Clerical vestments

- T Cloth and lace, knitting yarns, and other fabrics
- T Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers
- E Coats and wraps
- E Coin purses
- T Corsages and boutonnières
- E Corsets and corset laces
- T Cosmetic bags
- E Costumes
- E Coveralls
- T Crib blankets
- T Cufflinks

- D
- E Diaper bags
- E Diapers, diaper inserts (adult and baby, cloth or disposable)
- T Diving suits
- E Dresses
- T Duffel bags

- E
- T Elbow pads
- E Employee uniforms

- F
- E Fanny packs
- T Fins
- T Fishing boots (waders)
- E Fishing vests (nonflotation)
- T Football pads
- E Formal clothing (unless rented)

- G
- T Garment bags
- E Garters and garter belts
- E Girdles, bras, and corsets
- E Gloves (generally)
- T Baseball
- T Batting
- T Bicycle
- E Dress (unless rented)
- E Garden
- T Golf
- T Hockey
- E Leather
- T Rubber
- T Surgical
- T Tennis
- E Work

- T Goggles (except *prescription)
E Graduation caps and gowns
E Gym suits and uniforms
- H
E Hair nets, bows, clips, and bands
E Handbags
T Handkerchiefs
T Hard hats
E Hats
T Helmets (bike, baseball, football, hockey, motorcycle, sports)
E Hosiery, including support hosiery
E Hunting vests
- I-J
T Ice skates
T In-line skates
E Insoles
E Jackets
E Jeans
T Jewelry
- K
T Key chains
T Knee pads
- L
E Lab coats
E Leg warmers
E Leotards and tights
T Life jackets and vests
E Lingerie
T Luggage
- M-N
T Make-up bags
E Martial arts attire
E Neckwear and ties
- O-P
E Overshoes
T Pads (football, hockey, soccer, elbow, knee, shoulder)
T Paint or dust masks
E Pants
E Panty hose
T Patterns
E Ponchos
T Protective masks (athletic)
E Purses
- R
E Raincoats and rainhats
E Receiving blankets
E *Religious clothing
T Rented clothing (including uniforms, formal wear, and costumes)
T Repair of wearing apparel
E Robes
T Roller blades
T Roller skates
E Rubber shoes
- S
E Safety clothing
T Safety glasses (except *prescription)
E Safety shoes
E Scarves
E Scout uniforms
T Shaving kits/bags
E Shawls and wraps
T Shin guards and padding
E Shirts
E Shoe inserts
E Shoes (including athletic)
E Shoulder pads (for dresses, jackets, etc.)
T Shoulder pads (football, hockey, sports)
E Shorts
T Skates (ice, in-line, roller)
T Ski boots (snow)
T Ski vests (water)
E Ski suits (snow)
T Skin diving suits
E Skirts
E Sleepwear, nightgowns, pajamas
E Slippers
E Slips
E Socks
T Sports helmets
T Sports pads (football, hockey, soccer, knee, elbow, shoulder)
E Sports uniforms (except pads, helmets)
T Suitcases
E Suits, slacks, and jackets
T Sunglasses (except *prescription)
E Suspenders
E Sweatbands
E Sweaters
T Swimming masks
E Swim suits and trunks

- T
- E Ties (neckties – all)
- E Tights
- E Tuxedos, excluding cufflinks and rentals
- U
- T Umbrellas
- E Underclothes
- E Uniforms (work, school, and athletic – excluding pads)

V-W

- E Vests
- E Wallets
- T Watchbands
- T Water ski vests
- T Weight lifting belts
- T Wet and dry diving suits
- T Wigs, toupees, and chignons
- E Work clothes and uniforms

* These items are always exempt as prosthetic or orthopedic appliances, or due to another specific exemption.

(21) List of School Supplies and their Taxable Status during the Exemption Period. The following is a list of school supplies and their taxable status during the exemption period if they are sold for \$10.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Binders
- E Calculators
- E Cellophane (transparent) tape
- E Colored pencils
- E Compasses
- E Composition books
- T Computer paper
- T Construction paper
- T Correction tape, fluid, or pens
- E Crayons
- E Erasers
- E Glue (stick & liquid)
- T Highlighters
- E Legal pads
- T Markers
- T Masking tape
- E Notebook filler paper
- E Notebooks
- E Paste
- E Pencils, including mechanical and refills
- E Pens, including felt, ballpoint, and fountain, and refills, but not highlighters or markers
- T Poster board

- E Poster paper
- T Printer paper
- E Protractors
- E Rulers
- E Scissors
- T Staplers
- T Staples

(22) List of Books and their Taxable Status during the Exemption Period. The following is a list of books and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Audio books
- E Bibles*
- T Books with no publisher
- E Books with a publisher
- E Children’s books (published)
- E Foreign and old books (even without ISBN number)
- T Greeting cards
- E Instruction manuals (bound and published)
- T Magazines*
- T Movies
- E Music books
- T Newspapers*
- T Periodicals
- E Textbooks (published)

* Subscriptions to newspapers and magazines that are delivered by mail remain exempt from tax. Bibles are always exempt.

This rule shall take effect on July 6, 2005.

Specific Authority 212.17(6), 212.18(2), 213.06(1),(2) FS., Section 1, Chapter 2005-271, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4),(9) FS., Section 1, Chapter 2005-271, L.O.F. History–New 7-6-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.

EFFECTIVE DATE: July 6, 2005

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.”

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime/Compensation for Excess Hours of Work
 RULE NO.: 53ER05-52

SUMMARY OF THE RULE: This emergency rule establishes the classifications and clarifies overtime for included and excluded positions.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-52 Overtime/Compensation for Excess Hours of Work.

(1) Each classification shall be designated as “included” or “excluded.”

(a) For included positions, overtime is defined as hours of work, excluding holidays and leave, in excess of forty (40) hours during the established workweek, or in excess of the number of hours in an extended work period.

(b) For excluded positions, hours of work, excluding holidays and leave, in excess of the established hours in the monthly pay period or extended work period shall be compensated as described in subsections (4) through (6) below.

(2) An employee who is filling an included position shall be paid for all overtime at a rate which is one and one-half (1 1/2) times the employee’s regular hourly rate of pay.

(3) Payment for overtime shall be made immediately following the pay period during which the overtime was worked.

(4) An employee who is filling an excluded position, other than an executive management position, shall accrue regular compensatory leave credits on an hour for hour basis for all hours required to be worked in excess of the established hours in the monthly pay period or extended work period. An employee shall not accrue in excess of one hundred sixty (160) regular compensatory leave credits in a fiscal year. All regular compensatory leave credits in excess of one hundred twenty (120) hours will be forfeited on July 1, unless a waiver has been approved by the Secretary. The conditions under which the Secretary shall approve a waiver are:

(a) The employee’s workload has prevented the employee from utilizing the excess compensatory leave credits; and

(b) The excess compensatory leave credits are earned within the sixty (60) day period prior to July 1.

(5) No cash payment shall be made to an employee filling an excluded position for unused regular compensatory leave credits. However, holiday compensatory leave credits can be accrued in addition to any regular compensatory leave credits, and if such employee separates from employment with the Lottery or joins Lottery Executive Management prior to being

granted such leave, the employee shall be paid for all unused holiday compensatory leave credits in accordance with the provisions of this chapter.

(6) When an employee moves from a position in a class requiring the granting of regular compensatory leave credits to any other position in the Lottery, any unused regular compensatory leave credits shall be transferred.

(7) This emergency rule shall supersede Rule 53-16.004, F.A.C., Overtime/Compensation for Excess Hours of Work and Rule 53ER05-36, F.A.C., Overtime/Compensation for Excess Hours of Work.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 6-27-05. Supersedes 53ER05-36 and 53-16.004, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
 EFFECTIVE DATE: June 27, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime Compensation
 RULE NO.: 53ER05-53

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for compensation for employees filling included positions and OPS employees performing similar duties and for employees filling excluded positions other than those in Executive Management.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-53 Overtime Compensation.

(1) Employees filling included positions and OPS employees performing similar duties shall be paid for overtime. Overtime payments shall be computed at a rate of one and one-half (1 1/2) times the employee’s regular hourly rate for hours of work, excluding holidays and leave, in excess of forty (40) in a workweek or in excess of the number of hours in an extended work period. An employee shall work overtime hours only as authorized by management.

(2) Employees filling excluded positions, other than those in Executive Management, shall accrue regular compensatory time on an hour for hour basis for all hours of work in excess of the established hours in the monthly pay period or extended work period, excluding holidays and leave, which are performed at the request of management. An employee shall not accrue more than one hundred sixty (160) regular compensatory hours in a fiscal year. All hours in excess of one hundred twenty (120) on July 1 of each fiscal year shall be

forfeited, unless a waiver has been approved pursuant to subsection 53ER05-52(4), F.A.C., *Overtime/Compensation for Excess Hours of Work*.

(3) This emergency rule shall supersede Rule 53-13.008, F.A.C., *Overtime Compensation* and Rule 53ER05-35, *Overtime Compensation*.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 6-27-05, Supersedes 53ER05-35 and 53-13.008, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 27, 2005

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.”

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation has received a Petition for Waiver from Collier Area Transit (CAT) on June 20, 2005, seeking a variance from the provisions of paragraph 14-90.007(3)(a), F.A.C. Adoption of a revised Rule Chapter 14-90, F.A.C., is imminent, though the provisions pertaining to minimum height above ground for mounting rear vision mirrors on buses will remain substantially unchanged. The rule sets forth a minimum height above ground of 80 inches for the mounting of rear vision mirrors on buses. Collier Area Transit (CAT) is requesting a waiver from the minimum height above ground for the mounting of rear vision mirrors in certain circumstances.

Comments on this proposed waiver should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Waiver may be obtained from the Clerk of Agency Proceedings. For additional information, contact: Sheauching Yu, Assistant General Counsel, (850)414-5265.

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that an Emergency Petition for Variance or Waiver was received on June 10, 2005 from American Habilitation Services, 15915 Katy Freeway, Suite 340, Houston, Texas, 97094. This petition involves applicable Rule Number 59G-6.045, F.A.C., which incorporates by reference the Florida Title XIX Payment Methodology for Services in Facilities Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Information regarding this petition may be obtained by writing: Robert Butler, Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 15, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Blue Moon Bed and Breakfast located in Homosassa. The above referenced F.A.C. states all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor.... They are requesting a variance to not add a bathroom on the second floor where there will be food service; instead patrons would use the bathroom facilities located inside of their rooms.

The variance request was approved June 28, 2005, and approval is contingent upon Petitioner notifying guests to the location of bathroom facilities by directional signage, the bathrooms downstairs will have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than ten seats in the establishment for dining, which includes any outside seating, in the establishment. Handwashing procedures for employees are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. All provisos must be complied prior to final approval and licensing. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

The Bureau of Elevator Safety hereby gives notice on June 1, 2005, it Issued an Order Granting Variance Request in response to a petition filed on March 2, 2005 and advertised on March 25, 2005 in FAW Vol. 31, No. 12, by Lee Rigby of Vertical Assessment Associates on behalf of Big Bend 211 (VW 2005-019). The petition sought a waiver from Rules 100.3a , 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with non-metallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes. The petition was granted as it was demonstrated that this new technology provided equivalent or greater safety than the present code.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it issued an Order Granting Variance Request in response to a petition filed on April 12, 2005 and advertised in FAW Vol. 31, No. 17, by Tim Hawthorne of Otis Elevator regarding Sun Trust Colonnade-Wellesley Condominium Phase 1 (VW2005-045). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it issued an Order Granting Variance Request in response to a petition filed on April 12, 2005 and advertised in FAW Vol. 31, No. 17, by Tim Hawthorne of Otis Elevator regarding Salida Del Sol (VW2005-046). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it issued an Order Granting Variance Request in response to a petition filed on April 15, 2005 and advertised in FAW Vol. 31, No. 17, by Kenin Lynes of Otis Elevator regarding Ventana Condominium Project (VW2005-049). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it issued an Order Granting Variance Request in response to a petition filed on April 18, 2005 and advertised in FAW Vol. 31, No. 18, by Patricia Serley of Otis Elevator regarding The Palmetto Hotel (VW2005-050). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it issued Orders Granting Variance Request in response to petitions filed on April 18, 2005 and advertised in FAW Vol. 31, No. 18, by Patricia Serley of Otis Elevator regarding Lost Key Beach & Yacht Club, La Salbadoro (VW 2005-053), Santo Amaro (VW2005-052) and San Andreas (VW2005-054). The petition sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 20, 2005 and advertised in FAW Vol. 31, No. 18, by Steve Powell of KONE, Inc. regarding Positano on the Gulf (VW 2005-060). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it issued an Order Granting Variance Request on June 27, 2005 in response to a petition filed on April 20, 2005, by Lee Rigby of Vertical Assessment Associates regarding Buckeye Powerhouse #3RB (VW 2005-061). The petition sought a waiver from Rule 1502.9 of ASME A17.1, 1996 Edition with 1997 Addenda as adopted by Rule 61C-5.001, F.A.C., and requested that this unit be classified as a Special Purpose Personnel Elevator although its capacity and size exceeded the limits set in the rule. The petition was granted as this unit was built prior to the classification being recognized in code and its limited use due to its location and use within a pulp mill.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 27, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 27, 2005 and advertised in FAW Vol. 31, No. 19, by Steve Powell of KONE, Inc. regarding Estero Bayside Condominiums (VW 2005-068). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on May 9, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from William O. Williams of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Costa Verano Condominiums (Petition VW 2005-070).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 2, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and , ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Holiday Inn Express (Petition VW 2005-101) in Bartow, Florida.

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

The Board of Clinical Laboratory Personnel hereby gives notice that it has received a Petition for Variance or Waiver filed on June 15, 2005 on behalf of Kanithahalli Satya-Prakash. Petitioner seeks a variance of the provisions of Rule 64B3-5.007. Specifically, the Petitioner requests that the Board

waive the requirement under subsection 64B3-5.007(4) and paragraph (5)(e), F.A.C., that he have Board Certification to be licensed as a Clinical Laboratory Director.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT ON June 27, 2005, the Department received a Petition for Waiver from Rule 64B23-5.003, F.A.C., from Craig M. Payette. The Petition requests a Waiver from the rule that specifies that a medical physicist with a delinquent license must pay the renewal fee and the delinquency fee as set forth in rules.

Comments on this Petition should be filed with: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT ON June 23, 2005, the Department of Health, filed an Order disposing of a petition for variance from the requirements of subparagraph 64E-13.004(6)(a)1., F.A.C., as filed by Innovation Schools of Excellence, Inc. The petition was filed with the Department on March 30, 2005, and noticed in the Florida Administrative Weekly on April 15, 2005, in Vol. 31, No. 15.

The Department determined that Petitioner was able to demonstrate that the standards of the underlying statute will be able to be temporarily achieved at the current location. The Department further finds that a current application of the requirements, as set forth by the aforementioned Rule, would impose a substantial hardship on the school because of their present circumstances regarding its location. Therefore, the petition for a temporary variance is GRANTED until December 31, 2008.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4005.

FLORIDA HOUSING FINANCE CORPORATION

Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver

NAME OF THE PETITIONER: Monterey Lake Limited Partnership

DATE PETITION WAS FILED: April 28, 2005

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-21.008(1)(b), Florida Administrative Code, which states that amortization of the loan would occur within thirty six months.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 13, 2005, Vol. 31, No. 19.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: 06/10/05

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sherry.Green@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver

NAME OF THE PETITIONER: Florida Low Income Associates, Inc.

DATE PETITION WAS FILED: May 6, 2005

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.001(6), F.A.C., which states that all roads in the subdivision be paved.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 20, 2005, Vol. 31, No. 20.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: 06/10/05

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN that on June 24, 2005, Florida Housing Finance Corporation received a Petition for Waiver of Chapter 28-104, F.A.C., from Park Regency Apartments, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that a fine will be imposed if financial statements are not timely received. A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the State Library Council Meeting

DATE AND TIME: Tuesday, July 26, 2005, 9:00 a.m. – 2:00 p.m.

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services.

For additional information contact: Judith Ring, State Librarian, (850)245-6600, Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Feed Technical Council, to which all persons are invited.

DATE AND TIME: July 14, 2005, 10:00 a.m.

PLACE: Longboat Key Club, 301 Gulf of Mexico Drive, Longboat Key, Florida 34228, (941)383-8821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussing business of the Feed Technical Council.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces the monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: August 4, 2005, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, PREC Web Site: <http://www.flaes.org/pesticide/pesticideregistration.html>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

The **Department of Agriculture and Consumer Services, Division of Licensing** announces a public meeting for security agencies, security officer schools and training facility instructors to which all persons are invited.

DATE AND TIME: Thursday, August 4, 2005, 8:30 a.m.

PLACE: Sheraton Studio City Hotel, 5905 International Drive, Orlando, Florida, (407)351-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division will entertain discussion and receive input regarding recommend changes for the security officer curriculum to include terrorism awareness training.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)245-5500

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: July 21, 2005, 10:00 a.m. – completion

PLACE: Capitol Building, LL-03, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission Hearing for the application denial of Stars Middle School vs. Leon County School Board and Non-renewal of Future Leaders Academy for Arts & Science vs. Marion County School Board.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, FL 32399, (850)245-0502.

The **Commission for Independent Education** announces meetings to which all persons are invited.

DATES AND TIMES: Thursday, July 21, 2005, 3:00 p.m. – Diving Schools Workshop; Friday, July 22, 2005, 9:00 a.m. – Commission Meeting

PLACE: Greater Ft. Lauderdale/Broward County Convention Center, 1950 Eisenhower Boulevard, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Thursday, July 21, 2005 – To review issues regarding licensure of diving institutions and regulation by the Commission; Friday, July 22, 2005 – to conduct the general business of the Commission including informal Hearings, Motions, Discipline, Petitions for Variance and Waivers and Applications for Provisional Licensure, Program Additions and Modifications, Annual Licensure, Annual Renewals, Extensions of Annual License, Licenses By Means of Accreditation, Annual Reviews of License By Means of Accreditation, Licensure Extensions, Requests for Extension of time and Extensions to Comply with Contingencies, Substantive Change Applications, Name Change applications, and Elective Clerkships Applications, Institutions ordered to appear back before the Commission, Attorneys and Executive Director reports, as well as Sworn Affidavits for Religious Colleges, Reports for School Closure, Report of Licenses Sent and other Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: July 18, 2005, 2:00 p.m. – 3:00 p.m.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing discussion of a rulemaking/regulation procedure for the state universities.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings of the Florida **Board of Governors**. The Medical Education Subcommittee of the Strategic Planning Committee and the Strategic Planning/Educational Policy Committee will meet.

DATE AND TIME: July 20, 2005, 2:00 p.m. – 6:00 p.m.

PLACE: Ballroom, Graham Center, Florida International University, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of recommendations from the Council for Education Policy, Research and Improvement on medical education, and of potential, cost implications, timing and return on investment for expanding enrollment at medical schools. Continuing discussion of the Board's Strategic Plan, including discussion of data on cost per degree.

A copy of the agenda may be obtained from: Department of Education website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Finance Committee will meet. The regular meeting of the Board will follow the Committee meeting.

DATE AND TIME: July 21, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Ballroom, Graham Center, Florida International University, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and recommendation of the 2006-2007 Legislative Budget Request for the State University System; Continuing discussion of recommendations regarding medical education in Florida; rulemaking process for the state universities; legislative update. Consideration of a Resolution requesting the Division of Bond Finance of the State Board of Administration to Issue Revenue Bonds on Behalf of Florida State University

to Finance the Construction of Parking Garage 4 and Parking Garage 5; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from: Department of Education website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The Direct Support Organization of the Florida **Division of Blind Services** announces the following meeting to which all interested persons are invited to participate.

DATE AND TIME: July 20, 2005, 12:00 Noon – 3:00 p.m.

PLACE: Division of Blind Services, 1320 Executive Center Drive, Suite 123, Atkins Bldg., Tallahassee, Florida 32399, (850)245-0300

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd., Suite 175, Orlando, Florida 32839, (407)210-6607.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting. If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public meeting to which all interested parties are invited.

DATE AND TIME: July 27, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Flagler County Courthouse, 201 East Moody Boulevard, Room 107, Bunnell, Florida 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking one or more public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and the WAP/ Low Income Home Energy Assistance Program (WAP/LIHEAP) in Flagler County. Entities interested in contracting with DCA to provide these services should attend this meeting to learn about the application requirements. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective program.

Per the U.S. Department of Energy 10CFR Part 440.15, Subgrantees, the following application criteria are to be addressed in the application package:

(1) The entity’s experience and performance in weatherization or housing renovation activities;

(2) the entity’s experience in assisting low-income persons in the area to be served;

(3) The entity’s capacity to undertake a timely and effective weatherization program;

(4) The extent to which the past or current program achieved or is achieving goals in a timely fashion;

(5) The quality of work performed by the entity;

(6) The number, qualifications, and experience of the staff members of the entity; and

(7) The ability of the entity to secure volunteers, training participants, public service employment workers, and other Federal or State training programs.

ACTIONS TO BE TAKEN: At this meeting, the DCA will disseminate information about the programs, the application requirements, the deadline for submitting all applications and the appeals information. After the application deadline date (due to be submitted to DCA by 5:00 p.m. EDT, August 15, 2005), DCA staff will review the application(s) received and make a decision regarding each entity’s eligibility to provide program services to Flagler County. A recommendation for the selected entity will then be prepared by DCA staff for subsequent consideration and approval or disapproval by DCA’s Secretary. Announcement of the selected entity along with the appeals process for non-selected entities wishing to challenge the selection will then be sent by U.S. Mail to all applicants.

ADDITIONAL INFORMATION: Requests for a copy of the agenda, application criteria and additional information or questions may be addressed to Mr. Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488, e-mail: norm.gempel@dca.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to receive input from all interested parties on the Low-Income Home Energy Assistance Program (LIHEAP) State Administrative Plan for federal fiscal year (FFY) 2006 to which all interested parties are invited.

PUBLIC HEARING ON THE LIHEAP STATE ADMINISTRATIVE PLAN FOR FFY 2006

DATE AND TIME: Wednesday, August 3, 2005, 9:30 a.m. – 10:30 a.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Conference Room 250L, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the LIHEAP State Administrative Plan for FFY 2006 which will be submitted to the United States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing to the Department of Community Affairs, Susan Lawrence, Planner IV, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the community assistance section, (850)488-7541, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Division of Community Planning** announces a Public Workshop to which all persons are invited.

DATE AND TIME: July 12, 2005, 10:00 a.m. – conclusion

PLACE: Holiday Inn, 316 W. Tennessee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To introduce and obtain comments on the Draft Springs Protection Implementation Guidebook that is intended to assist local governments in springs protection. The goal of the workshop is to improve the “usability” of the Implementation Guidebook.

For more information and meeting materials contact: Richard Deadman, (850)922-1770 or Keith McCarron, (850)488-6211.

The **Division of Community Planning** announces a Public Workshop to which all persons are invited.

DATE AND TIME: July 14, 2005, 10:00 a.m. – conclusion

PLACE: Quality Inn, US 90 & I-75, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To introduce and obtain comments on the Draft Springs Protection Implementation Guidebook that is intended to assist local governments in springs protection. The goal of the workshop is to improve the “usability” of the Implementation Guidebook.

For more information and meeting materials contact: Richard Deadman, (850)922-1770 or Scott Koons, (352)955-2200, Ext. 104.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, Florida’s Turnpike Enterprise announces a public hearing to which all persons are invited.

DATE AND TIMES: August 2, 2005, 5:30 p.m. – 6:30 p.m. – Open House; 6:30 p.m. – Formal Presentation

PLACE: Woodlands Middle School, 5200 Lyons Rd, Lake Worth, Florida 33467

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Chapter 14-97, F.A.C. and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes, and is consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Identification Number: 406144-4 otherwise known as the Lake Worth Road Interchange Modification with Florida’s Turnpike. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information may contact: Mr. Doug McBriarty, P.E., Project Manager, Florida’s Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (954)975-4855, Extension 3406, e-mail: douglas.mcbriarty@dot.state.fl.us.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Jeffery LeClaire, P.E., Florida’s Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (954)975-4855, Extension 3826, e-mail: jeffery.leclaire@dot.state.fl.us. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Doug McBriarty P.E., Project Manager, Florida’s Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, e-mail: douglas.mcbriarty@dot.state.fl.us.

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."

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Friday, July 15, 2005, 10:00 a.m. – 12:00 Noon (Eastern Daylight Time)

PLACE: Room 116 (Hermitage Room), Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number for those who wish to participate by telephone is (850)487-8856, Suncom 277-8856)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Acceptability Process Committee to discuss the Florida Commission on Hurricane Loss Projection Methodology's process for the determination of acceptability of a computer simulation model under the 2005 standards.

Anyone wishing a copy of the agenda for this meeting, should contact: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited. This is a conference call meeting.

DATE AND TIME: Thursday, July 21, 2005, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: The number for those who wish to participate is (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval to file Rule 19-8.010, F.A.C. (Reimbursement Contract), for Notice of Proposed Rulemaking and, pending no comments being submitted within 21 days after publication of the notice, to also approve filing this rule for adoption. The Florida Hurricane Catastrophe Fund staff will provide the Advisory Council with an update on the 2004 season loss reimbursements and the bonding process. The Advisory Council may also engage in other general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above, or telephone (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of seven public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2005, 9:00 a.m. – 5:00 p.m. (Eastern Daylight Time)

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)487-9454 or Suncom 277-9454

DATE AND TIME: Wednesday, July 27, 2005, 9:00 a.m. – 5:00 p.m. (Eastern Daylight Time)

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)414-1707 or Suncom 994-1707.

DATE AND TIME: Thursday, July 28, 2005, 9:00 a.m. – 2:00 p.m. (Eastern Daylight Time)

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)414-6477 or Suncom 994-6477

DATES AND TIME: Tuesday-Wednesday, August 9-10, 2005, 9:00 a.m. – 5:00 p.m. (Eastern Daylight Time)

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)921-2530 or Suncom 291-2530

DATES AND TIME: Wednesday-Thursday, September 14-15, 2005, 9:00 a.m. – 5:00 p.m. (Eastern Daylight Time)

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)414-6477 or Suncom 944-6477

PLACE: Room 116 (Hermitage Room), Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The July meetings are regular business meetings of the Commission to discuss, in committee meetings, the 2005 standards and procedures and to address other general business of the Commission. The August meetings will be held only if the Commission needs additional time to complete all committee business from the July meetings. The September meetings are to discuss and adopt the 2005 standards and Report of Activities as well as to address other general business of the Commission.

Anyone wishing a copy of the agenda for the meetings noticed above, should contact: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be Benny W. Albritton, Jr., Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Steven M. Smith, George H. Streetman, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 050078-EI – Petition for rate increase by Progress Energy Florida, Inc.

DATE AND TIME: Wednesday, July 20, 2005, 11:00 a.m.

PLACE: Ocala City Council Chambers, City Hall, 151 S. E. Osceola Avenue, Ocala, FL

DATE AND TIME: Thursday, July 21, 2005, 9:00 a.m.

PLACE: Sunshine Center Auditorium, 330 5th Street, N., St. Petersburg, FL

DATE AND TIME: Thursday, July 21, 2005, 6:00 p.m.

PLACE: Commissioners Assembly Room, Pinellas County Board of Commissioners, 315 Court Street, 5th Floor, Clearwater, FL

DATE AND TIME: Wednesday, September 7, 2005, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Each hearing will begin as scheduled. If no witnesses are present, the hearings may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding Progress Energy Florida, Inc.'s petition for a rate increase and the quality of service provided by PEF. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at these hearings 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 Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For further information, contact: Jennifer Rodan, Office of the General Counsel, (850)413-6189. One or more Commissioners of the Florida Public Service Commission may attend and participate in the hearings.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Aerospace Finance Corporation (FAFC)** announces a Board of Director’s meeting and teleconference to which the public is invited.

DATE AND TIME: July 12, 2005, 1:30 p.m. – 3:30 p.m.
 PLACE: Office of Enterprise Florida, Inc., 390 North Orange Avenue, Suite 1300, Orlando, FL 32801 (To attend via telephone the number to call is: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Governor’s Office of Tourism, Trade and Economic Development** announce the first meeting of the Governor’s Commission on the Future of Space and Aeronautics in Florida to which all interested persons are invited to participate.

DATE AND TIME: July 13, 2005, 8:00 a.m. – 1:00 p.m.
 PLACE: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, FL 32920

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: July 18, 2005, 5:00 p.m.
 PLACE: Niceville City Hall, 208 N. Partin Drive, Niceville, Florida

The **West Florida Regional Planning Council**, LEPC announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, July 20, 2005, 10:00 a.m.
 PLACE: Escambia County Department of Public Safety, Emergency Operations Center, 6575 North “W” Street, Pensacola, Florida 32505

The meeting will be preceded by a meeting of the LEPC, Training and Resource subcommittee at 8:30 a.m.

The **North Central Florida Regional Planning Council** announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: July 15, 2005, 12:00 Noon
 PLACE: Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee and to discuss recent legislation concerning the Council.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us, (904)955-2200, at least two business days in advance to make appropriate arrangements.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2005, 10:00 a.m. (Please be advised that committee meetings will begin at 9:00 a.m.)

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075. Ext. 304 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Mr. Jeff Jones, Acting Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751, website: www.ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, July 11, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, July 14, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, July 25, 2005, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 27, 2005, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **Treasure Coast Regional Planning Council** announces the following meeting of its Regional Resource Committee to which all persons are invited.

DATE AND TIME: July 25, 2005, 9:00 a.m.

PLACE: Wolf High-Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regional Resource Committee will discuss Workforce Housing.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The District II, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 20, 2005, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Tallahassee Fire Department, Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 21, 2005, 8:30 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 412, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

HERNANDO COUNTY GROUNDWATER GUARDIANS MEETING

DATE AND TIME: Friday, July 15, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Hernando County Utilities Department, 21030 Cortez Boulevard, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion about the Peck Sink complex, watershed, protection strategies and other pertinent topics. Some members of the District’s Governing and Basin Boards may attend.

These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

19TH ANNUAL ENVIRONMENTAL PERMITTING SUMMER SCHOOL

DATE AND TIME: July 18-22, 2005

PLACE: Marriott’s Marco Island Resort and Golf Club, 400 So. Collier Boulevard, Marco Island, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Some of the District’s Governing Board members may attend. Board members will receive advanced instruction on Florida’s environmental permitting programs.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE – Change in Meeting Location

DATE AND TIME: Wednesday, July 20, 2005, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee Business.

Some members of the District’s Governing and Basin Boards may attend the meeting.

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

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

BASIN BOARD LAND RESOURCES COMMITTEE MEETING

DATE AND TIME: Thursday, July 21, 2005, 9:30 a.m.

PLACE: Springs Coast Environmental Education Center, S.R. 50 & U.S. 19, Weeki Wachee (Note: This is a change of location from what was originally published in the year-long calendar.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 18, 2005, 4:00 p.m. – 7:00 p.m.

PLACE: The Conservancy of Southwest Florida, 1450 Merrihue Drive, Naples, FL 34102

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Issues Workshop, Picayune Strand Acceler8 Project.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website <http://www.sfwmd.gov/agenda.html>.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, July 25, 2005, 2:00 p.m.

PLACE: 210 Military Trail, Town of Jupiter Community Center, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Public Meeting of the Loxahatchee River Management Coordinating Council for comments on the Northwest Fork of the Loxahatchee River Restoration Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference to which all persons are invited.

DATES AND TIME: Monday-Thursday, July 25-28, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

For registration information, contact: Erin Schepers, (850)410-5710.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Thursday, July 28, 2005, 1:00 p.m. – completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, Florida 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or those needing an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700, 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular July monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: July 20, 2005, 4:30 p.m.

PLACE: Ocala City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302. Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors teleconference meeting to which the public is invited.

DATE AND TIME: July 12, 2005, 10:00 a.m. – 11:00 a.m. (EDT)

PLACE: Teleconference information can be obtained by contacting: Jackie Martin, (321)730-5301, Ext. 243.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of the Shuttle Launch Experience project and will review, consider, vote on, and approve final documentation and provide authority to execute all agreements with all parties to the project.

For more information, contact: Margo Witcher, (321)730-5301, Ext. 229.

To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, website: www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Space Research Institute**, Inc. (FSRI), Board of Directors announces a public meeting to which all interested persons are invited to participate.

DATE AND TIME: July 26, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: DEBUS Center, Kennedy Space Center, Visitor Complex, Kennedy Space Center, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the status of FSRI programs and to appoint members to the FSRI Board of Directors. Members of the newly appointed Commission on the Future of Space and Aeronautics in Florida will be invited to this FSRI meeting to support their Commission activities.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact FSRI at least seven days prior to the meeting.

If any person decides to appeal any decision made by FSRI with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to secure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

For more information, contact: Melissa Glover, (321)452-2653, Ext. 201.

To obtain a copy of the agenda, write: Florida Space Research Institute, Inc., Mail Stop: FSRI, Building M6-306, Room 9030, Kennedy Space Center, Florida 32899.

DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, July 18, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Shared Resource Center, Room 124, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, e-mail: Elaine.womble@myflorida.com.

The **State of Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: July 19-20, 2005, 8:30 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco** announces a rule making workshop to which all persons are invited.

DATE AND TIME: Friday, September 9, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule making workshop will consider the rule language, 61A-1, 61A-2, 61A-3, 61A-4 and 61A-5 as noticed in the May 27th, 2005 Florida Administrative Weekly, Vol. 31, No. 21, that addresses Alcoholic Beverages and Tobacco licensing policies and procedures. The meeting will commence at 10 a.m. and continue until all business is exhausted or until 5 p.m., whichever comes first.

A copy of the public portion of the agenda may be obtained by writing: Stacey A. Lane, Law Clerk, Florida Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-3191, email: Stacey.Lane@dbpr.state.fl.us.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceeding should contact the General Counsel's Office no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The General Counsel's Office may be contacted at the address and phone number listed above.

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: July 26, 2005, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business: discussion items include – architecture profession, interior design profession, rules, Educators Task Force and review of applications.

DATE AND TIME: July 27, 2005, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Marco Island Marriott, 400 S. Collier Boulevard, Marco Island, FL 34145, (239)394-2511 or 1(800)228-9290

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all person are invited.

DATES AND TIMES: Thursday, August 25, 2005, 9:00 a.m. – Probable Cause Panel; Thursday, August 25, 2005, 2:00 p.m. – Budget Meeting; Friday, August 26, 2005, 9:00 a.m. – Meeting of the Board

PLACE: Hilton Tampa Airport, 2225 North Lois Avenue, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Budget Task force will meet to discuss the Board's budget. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and/or the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, July 18, 2005, 2:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, July 19, 2005, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

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 JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, State Advisory Group announces the next quarterly meeting to which all interested persons are invited to participate.

DATES AND TIMES: August 11, 2005, 9:00 a.m. – 5:00 p.m.; August 12, 2005, 9:00 a.m. – 12:00 Noon

PLACE: The Lago Mar Resort, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss the general business of the State Advisory Group.

If you request any specifics concerning the State Advisory Group meeting, please contact: Nicki Wright, State Advisory Group Coordinator, (850)921-0966.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should also contact Nicki Wright, no later than seven (7) days prior to the meeting, at which special accommodation is required.

DEPARTMENT OF HEALTH

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: July 21, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing** will hold a duly noticed Rules Workshop, to which all persons are invited to attend.

DATE AND TIME: August 10, 2005, 6:00 p.m.

PLACE: Hyatt Regency Riverfront, 225 Coastline Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Roles of the Nurse in Conscious Sedation, Chapter 64B9-17, F.A.C.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Psychology** announces a meeting of the board to which all persons are invited.

DATES AND TIMES: July 28, 2005, 3:00 p.m. or soon thereafter; July 29-30 2005, 9:00 a.m. or soon thereafter

PLACE: Doubletree Guest Suites, Ft. Lauderdale-Galleria, 2670 East Sunrise Boulevard, Ft. Lauderdale, FL 33304-3206, (954)565-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Florida Alliance for Diabetes Prevention and Care announces a Data Committee conference call meeting to which all interested persons are invited to participate.

DATE AND TIME: 2nd Thursday, July 14, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free # provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Tuesday, July 12, 2005, 5:00 p.m. Eastern Time.

The **Department of Health**, Florida Alliance for Diabetes Prevention and Care announces a Education Committee conference call meeting to which all interested persons are invited to participate.

DATE AND TIME: 4th Tuesday, July 26, 2005, 4:30 p.m. – 5:30 p.m.

PLACE: Toll Free # provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Tuesday, July 12, 2005, 5:00 p.m. Eastern Time.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

Executive Committee:

DATE AND TIME: July 13, 2005, 8:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4177

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A, announce a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun, and Jackson counties.

DATE AND TIME: Thursday, July 21, 2005, 2:00 p.m. (CST)

PLACE: W.T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss child welfare for Subdistrict 2A.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Families, (850)922-0408, Suncom 292-0408.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting, (850)922-0408 or 1(800)226-6223 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: July 22, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Public School, School Board Office, 4204 Okeechobee Road, Fort Pierce, Florida 34947-5414

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4177

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279 Laws of Florida, announces a meeting of the Children's Ad Hoc Committee and of the Full Board to which all persons are invited.

MEETING: Children's Ad Hoc meeting

DATE AND TIME: Tuesday, July 12, 2005, 1:30 p.m. – 4:00 p.m.

PLACE: Homewood Suites, 5255 Big Pine Way, Fort Myers, Florida 33907, (239)275-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Focus group with Youth and Families on Prevention and Early Intervention.

Full Board meeting

DATES AND TIMES: Wednesday, July 13, 2005, 9:30 a.m. – 5:00 p.m.; Thursday, July 14, 2005, 9:00 a.m. – 1:00 p.m.

PLACE: Holiday Inn, 13051 Bell Tower Dr., Fort Myers, FL 33907, (239)482-2900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be receiving testimony from the Department of Children and Family Services, Self-Directed Care, local Legislators and the Fort Myers Police Department. The Corporation will hold a Public Hearing on Placement of the Substance Abuse and Mental Health Program Office within State Government on July 13, 2005 and a Public Forum on July 14, 2005, 12:00 Noon. The Corporation will also discuss input from the public hearings, recommendations from the Ad Hoc Committee meetings, Legislative Mandates and the Mental Health Transformation Grant.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Amanda Sanford at the Florida Department of Children and Family Services, Mental Health Program Office, Building 1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend.

DATES AND TIME: Monday, July 18, 2005; Monday, August 8, 2005, 10:30 a.m., (Eastern Daylight Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2005-03 for Refinancing of Section 202 Program Housing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend.

DATES AND TIMES: Tuesday, July 26, 2005, 2:00 p.m. (Eastern Daylight Time); Wednesday, August 3, 2005, 3:00 p.m. (Eastern Daylight Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2005-02 for Investment Banking Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation,

(850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend.

DATES AND TIME: Tuesday, August 9, 2005; Thursday, August 11, 2005, 10:30 a.m. (Eastern Daylight Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2005-02 for Auditing Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited.

DATE AND TIME: August 25, 2005, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: City Hall Chambers, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the 2004 Annual Financial Statements of Florida Housing Finance Corporation with the Board of Directors and respond to any comments or questions from the Florida Housing Finance Corporation Board of Directors.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Juanita Boothe-Thompson, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting of the ad hoc Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIME: August 2-3, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The ad hoc Blue Crab Advisory Board will convene to discuss issues related to the blue crab limited entry endorsement program.

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 the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 9, 2005, during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-167.009, F.A.C., published on May 27, 2005, in Vol. 31, No. 21, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Richard Koon, e-mail: richard.koon@fldfs.com.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a long range strategic planning meeting of a committee appointed by the TRDA Board of Directors.

DATE AND TIME: July 12, 2005, 9:30 a.m.

PLACE: TRDA Conference Room, 5195 South Washington Avenue, Titusville, FL 32780, (321)269-6330

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Meeting.

A copy of the agenda may be obtained by contacting: Brenda McMillan, Administrative Secretary, (321)269-6330, Ext. 239 or bmcmillan@trda.org.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 13, 2005, 11:00 a.m.

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings. Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Lewis, (850)575-0031.

CLERK OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces a teleconference to which all persons are invited.

DATE AND TIME: Thursday, July 14, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget forms, instructions, training and other budget issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223, CCOC website: www.flccoc.org.

PRIDE ENTERPRISES

The **PRIDE Enterprises**, BOD announces a meeting to which all interested persons are welcome to attend.

DATE AND TIMES: July 21, 2005, 9:30 a.m. – 12:00 Noon – New Member Orientation, 1:00 p.m. – 5:00 p.m. – Board meeting

PLACE: Tampa Airport Marriott, www.peol.com

FLORIDA ASSOCIATION OF COURT CLERKS

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2005, 10:30 a.m.

PLACE: Nabors, Giblin & Nickerson, P.A., 2502 Rockypoint Drive, Suite 2502, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas**, Inc. for Planning and Service Area 5 of the Florida Department of Elder Affairs, will present its 2006 Area Plan Update for the distribution of funds under the federal Older Americans Act of 1965, as amended, to projects providing services to the elderly residents of Pasco and Pinellas Counties at the following public hearings:

PINELLAS COUNTY PUBLIC HEARING

DATE AND TIME: Wednesday, August 3, 2005, 9:30 a.m. – 11:00 a.m.

PLACE: Pinellas Park Senior Center, 7625 59th Street, North, Pinellas Park, Florida

GUEST SPEAKER: Representative Kim Berfield

PASCO COUNTY PUBLIC HEARING

DATE AND TIME: Thursday, August 4, 2005, 9:30 a.m. – 11:00 a.m.

PLACE: Galen Wilson Senior Center, 8600 Galen Wilson Blvd., Port Richey, Florida

GUEST SPEAKER: Representative Tom Anderson

To request more information or accommodations for persons with disabilities, contact: Rachel Bryan, Area Agency on Aging, 9887 4th Street, North, Suite 100, St. Petersburg, Florida 33702, (727)570-9696, Ext 246, TDD (711), no later than July 25th.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Propane Gas Association on February 11, 2005. It was assigned the number DCA05-DEC-034. This Declaratory Statement was issued June 22, 2005, and it was determined that propane gas-fired tankless water heaters may be installed only in Method B compliance package A through D in north and central Florida and under all Method B compliance packages in south Florida; and that tankless water heater energy factors tested and computed in accordance with the U.S. Department of Energy's test procedures in Part 430, Subpart B, Appendix E, Code of Federal Regulations, shall be treated in the same manner as other water heater energy factors.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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."

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

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Radiology Associates of South Florida, P.A. The Petition was published in Vol. 31, No. 12, of the March 25, 2005, Florida Administrative Weekly. The Board reviewed the petition at its meeting held on April 2, 2005, in Tampa, Florida.

The Board's Final Order, filed in this cause on June 24, 2005, finds that the Petitioners were unable to demonstrate financial responsibility under Section 458.320(2)(b), F.S., because the Policy's Shared Aggregate Limit, if triggered during the policy period, leaves individual Petitioners/Named Insureds without the mandated \$250,000/\$750,000 coverage.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed June 27, 2005, from Manny C. Mena, Fire Marshal, Miami-Dade Fire Rescue Department, Petitioner. The Petition is seeking the Department's interpretation of NFPA 101. Specifically, Petitioner's questions are:

- A. Is it the intent of the State to adopt Tentative Interim Amendments of the National Fire Protection Association in general, and TIA 03-3 specifically, during the pendency of the currently adopted edition of the Florida Fire Prevention Code?
- B. Is it the intent of the State to require or to allow local fire jurisdictions to enforce the modifications to the National Fire Protection Association codes and standards as provided in Tentative Interim Amendments in general and TIA 03-3 specifically during the pendency of the currently adopted edition of the Florida Fire Prevention Code?
- C. If a local jurisdiction desires to adopt a Tentative Interim Amendment, can the local jurisdiction do so by means of a local amendment to the Florida Fire Prevention Code in accordance with Florida Statutes?

A copy of the Petition may be obtained by writing to, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or e-mail your request to Gabe.Mazzeo@fldfs.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Whitley Bay Marina, LLC vs. Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; Case No.: 05-2173RP; Rule Nos.: 18-21.003, 18-21.011

City of St. Petersburg vs. Department of Environmental Protection; Case No.: 05-2280RP; Rule No.: 62-304.600

Tamara Clark vs. Department of Children and Family Services; Case No.: 05-2104RP; Rule No.: 65A-1.203

Tamara Clark vs. Department of Children and Family Services; Case No.: 05-2105RP; Rule No.: 65A-1.400

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Bonnie Siegel and Gayle Knight vs. Agency for Health Care Administration; Case No.: 05-1239RP; Rule No.: 59G-4.250; Dismissed

Florida Petroleum Marketers and Convenience Store Association vs. Department of Environmental Protection; Case No.: 05-0529RP; Rule Nos.: 62-770.220(3) – Invalid, 62-770.220(4) – Closed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

INVITATION TO BID

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF ANIMAL INDUSTRY, hereinafter referred to as Owner.

For the construction and installation of: One (1) modular laboratory building which shall include all labor, equipment, materials necessary to deliver, install and anchor of the modular laboratory building. The bidder must be able to provide proof of experience in the design, the manufacture, the delivery, the set up and the operational certification for a modular laboratory unit similar to the unit specified in the Invitation to Bid or suitable for use and certification as a BSL 2 or BSL 3 level environment in a significant research or diagnostic facility within the past two years. The Project Budget is: \$325,000.00.

PROJECT NAME & LOCATION: Modular Laboratory Building located at the Animal Diagnostics Laboratory, 2700 N. John Young Parkway, Kissimmee, Florida 34741.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/AI-04/05-111-REBID, or by calling the Purchasing Office at (850)487-3727.

MANDATORY SITE VISIT: Each bidder must, before submitting a bid, inspect the site where the project is to be completed to satisfy questions regarding all general and local conditions that may affect the preparation of their bid and cost of Contractors performance. Appointments for site inspection must be arranged with Mark Markley, Project Manager, Animal Diagnostics Laboratory, 2700 N. John Young Parkway, Kissimmee, Florida 34741, and Telephone (850)251-2519. Appointments will be scheduled between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday. It is the bidders' responsibility to consider any and all site conditions or requirements for the project.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a

contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: July 28, 2005, 3:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: ITB06MW-2, Campus Bus Shelters (Phase II), W/O #663885, estimated budget: \$300,000.00 to be opened August 2, 2005, at 2:00 p.m. Local Time. Scope of work: All work associated with the construction of misc. bus shelters located on campus. Specifications and Plans are available in Purchasing Division, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held July 19, 2005, at 2:00 p.m. in Physical Plant Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. All questions should be directed to Sonia Coleman, UF Purchasing (352)392-1331. AMERICANS

WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

CALL FOR BIDS

STATE OF FLORIDA – BOARD OF TRUSTEES
PROJECT: LEE STREET ROADWAY PROJECT No.: BR-639

FOR: FLORIDA ATLANTIC UNIVERSITY

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2.

Sealed bids will be received on,

DATE and TIME: August 9, 2005, until 3:00 p.m. local time

PLACE: Florida Atlantic University – Purchasing Department Administration Bldg. Room #121, 777 Glades Road, Boca Raton, Florida 33431

At which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project manual, which may be obtained or examined at the office of the:

ARCHITECT/ENGINEER: Miller Legg & Associates, Inc., (561)689-1138

DATE AND TIME: July 8, 2005, 9:00 a.m.

PLACE: 2005 Vista Pkwy., Suite 100, West Palm Beach, FL 33411

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$61.00 Per set for the printing and handling costs.

PUBLIC ENTITY CRIME LAW

In accordance with the Rules for the Administration of Purchasing Program, Chapter 6C-17, Florida Administrative Code, subsection 6C-18.050(6), F.A.C., effective January 13, 1999:

The University shall not accept a competitive solicitation from or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.

PRE-BID MEETING

There will be a non-mandatory pre-bid conference scheduled for July 20, 2005 at 2:00 p.m. in the Facilities Planning conference room #110 in Building #69 on the Boca Raton campus of FAU. There will be a walk through of the site after the meeting. Please confirm attendance by emailing Steven Saposnik, FAU Purchasing at saposnik@fau.edu.

SPECIAL ACCOMMODATIONS

Persons with a disability requiring accommodation should contact the FAU Equal Opportunity Programs Office, (561)297-3004, at least five (5) working days in advance to make appropriate arrangements. Persons with hearing or speech impairments should contact the same by using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

NOTICE TO PROFESSIONAL PLANNING CONSULTANTS

Duval County Public Schools

FOR

Request for Qualifications (RFQ)

Professional Services

For

Districtwide Planning Consultant Services

The Office of Facilities Planning and Programming announces that professional services are required for Districtwide Planning Consultant Services for Duval County Public Schools. The firm(s) selected will be responsible for various Districtwide Planning activities. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to: Duval County Public Schools
Facilities Planning
and Programming
1701 Prudential Drive
5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Ron Fagan
PHONE NO.: (904)390-2922
RESPONSE DUE DATE: RESPONSES ARE DUE ON OR BEFORE AUGUST 12, 2005 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: Encouragement

Information on the scope and the selection process can be found at www.educationcentral.org/facilities under Selection Booklets.

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 TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSAL NO. 05-108

ROLLING STOCK SECURITY CAMERA SYSTEM

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Request for Proposal (RFP) is to enter into an Agreement with a qualified Contractor to provide all the equipment, materials, installation, configuration, and any other duties necessary to provide a recorded security system on the rolling stock operated by Tri-Rail. The services required will include all work to be performed on the cars in the Hialeah Yard facility. It shall be a closed circuit system, hard wired within rolling stock and wireless between train units with the wireless system signals completely secure.

A REQUEST FOR DOCUMENTS should be directed to Ms. Anne M. Lodato, CPPB, at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7912. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Ms. Lodato at the address above. Solicitation documents will be available on or about July 5, 2005.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on July 14, 2005 at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m. on August 11, 2005 at the SFRTA office in Pompano Beach.

FRTA reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 12% of total contract expenditures.

FEDERAL FUNDING: This Project is funded by a grant from the Federal Government. All applicable Federal Regulations shall apply.

WATER MANAGEMENT DISTRICTS**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
REQUEST FOR PROPOSAL #04/05-047RM**

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: Construction of Metal Storage Building

PROJECT NUMBER: RFP #04/05-047RM

PROJECT SCOPE: The project involves the construction of a 30 foot by 120 foot ten-bay metal storage building. In addition to construction of the building, work will include clearing, grubbing, asphalt parking, construction of a retention area, and associated discharge structure.

PROJECT LOCATION: The project is located at Suwannee River Water Management District headquarters, 9225 County Road 49, Live Oak, Florida.

DOCUMENTS: Any individual or firm desiring to submit a proposal for this project may obtain a copy of the plans, specifications, and request for bid by accessing the District's website at www.mysuwanneeriver.com or by contacting:

Sandra Keiser, Administrative Assistant
Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060
(386)362-1001 or 1(800)226-1066, Florida only

DATE AND TIME: A mandatory pre-bid conference will be held at District headquarters on July 19, 2005, at 10:00 a.m.. Proposals will be received until 4:00 p.m. on August 5, 2005. Clearly label all proposals, "Construction of Metal Storage Building, RFP No. 04/05-047RM". Faxed proposals will not be accepted.

PROPOSAL REQUIREMENTS: In order to submit a proposal for this project, interested firms must attend the mandatory pre-bid conference scheduled for July 19, 2005, at 10:00 a.m.

EXPRESSWAY AUTHORITIES**NOTICE TO DESIGN/BUILDERS
PROJECT NO. 528-300**

The Orlando-Orange County Expressway Authority requires the services of a Design/Builder in connection with the design and construction of Project No. 528-300, S.R. 528/S.R. 436 Interchange Improvements.

Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

DESCRIPTION OF SERVICES: The services to be provided consist of, but are not necessarily limited to, design and construction of improvements to the S.R. 528/S.R. 436 Interchange. Design services will include preparation of

complete construction plans in accordance with Authority standards. Construction (build) services will include: the removal of the loop ramp in the northwest quadrant and the construction of a new flyover ramp from westbound S.R. 528 to southbound S.R. 436; the widening of S.R. 436 (Airport Boulevard) north and southbound from S.R. 528 to Cargo Road; the widening of the north and south bound S.R. 436 bridges over the canal; storm drainage, signing, cantilever signing structures, lighting, pavement markings, guardrail and potentially gravity/retaining walls; maintenance of traffic. The selected firm shall make available the necessary personnel, facilities, supplies, materials and resources to perform the required services.

PREQUALIFICATION REQUIREMENTS: Team member(s) involved in professional services (design), as identified under Section 287.055, Florida Statutes, must be technically qualified under Chapter 14-75, F.A.C., by the Florida Department of Transportation in Group 3.2, Major Highway Design, Group 3.3, Controlled Access Highway Design and Group 4.2, Major Bridge Design or 4.3, Complex Bridge Design; Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation.

Team member(s) involved in construction services (contractor), must be prequalified under Chapter 14-22, F.A.C., by the Florida Department of Transportation, in major bridge construction. A copy of the Proposer's current Certificate of Qualification in the specified classes of work shall be submitted with the letter of interest. Proposer shall use prequalified subcontractors for all classes of work for which the Proposer is not prequalified including applicable Specialty classes of work (as described in Rule 14-22) exceeding \$250,000 in value.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience of Design Firm

The design firm shall have a minimum of five (5) years' experience in design of the type described. At least three (3) references for design projects completed during the past 5 years shall be submitted to verify required experience. References shall include name of owner's contact person, telephone number, and physical address.

The design firm shall describe its experience and prior working relationships, if any, with the proposed construction firm on previous projects; the expected participation and contribution of the its top officials in the proposed design activities; discuss the corporate interest and the priority firm will place on the work; and provide the name of the top corporate official who will be responsible for this effort.

2. Experience of Construction Firm
 The construction firm shall have a minimum of five (5) years' experience in construction of the type described. References for at least five (5) construction projects completed during the past 7 years and three (3) design/build projects shall be submitted to verify required experience. References shall include name of owner's contact person, telephone number, and physical address. For the projects listed, the construction firm shall provide detailed information regarding the number of change orders issued for each of the projects and the percentage of the final contract amount represented by change orders.
 The construction firm shall describe the expected participation and contribution of the its top officials in the proposed construction activities; discuss the corporate interest and the priority firm will place on the work; and provide the name of the top corporate official who will be responsible for this effort.
3. Project Team – Anticipated subconsultants and or subcontractors shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants or subcontractors that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION / NEGOTIATIONS: The Authority will shortlist firms based on the Authority's "Pass/Fail" evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process that includes preparation and submittal of a Price Proposal. The Authority will provide the shortlisted firms with a Design Criteria package for use in preparing the Price Proposal.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee with respect to this notice or the services to be provided. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et. seq., Fla. Stat. (1996), and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. The Authority notifies all proposers and individuals that it encourages equal employment opportunity for minority and women as employees in the work force.

MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority notifies all proposers and individuals that it encourages small, minority and women owned businesses to have full opportunity to submit proposals in response to this notice and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status.

LETTER OF RESPONSE: The Authority will receive Letters of Interest until 3:00 p.m., Orlando local time, July 29, 2005.

LETTER OF RESPONSE ADDRESS:
 Orlando-Orange County Expressway Authority
 525 S. Magnolia Avenue
 Orlando, FL 32801
 Re: S.R. 528/S.R. 436 Interchange Improvements
 Design/Build Services
 Project No. 528-300

AUTHORITY CONTACT PERSON:
 Mr. Joseph A. Berenis, P.E.
 Deputy Executive Director
 Telephone: (407)316-3800

**NOTICE OF INVITATION TO BID
 MDX PROCUREMENT NO.: ITB-05-02
 MDX WORK PROGRAM NO.: 83619.060**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor pre-qualified by the Florida Department of Transportation in accordance with Rule Chapter 14-22, F.A.C., as an Intermediate Bridge Contractor, or certified with Miami-Dade County as a General Engineering Contractor. The Work consists of, but is not limited to, providing all Labor, Maintenance of Traffic schemes, Materials, Equipment and incidentals necessary for bridge widening and ramp improvements at the SR 836 and N. W. 57th intersection. MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. MDX requires satisfaction of a 15% small business participation goal

in this project. Please refer to the Small Business Participation Policy (available on MDX's website). For complete information, on the scope of the project as well as submittal requirements, please log onto our site: www.mdx-way.com or call MDX, (305)637-3277. A MANDATORY Pre-Bid Conference for this project is scheduled for July 12, 2005, at 10:30 a.m. Deadline for submitting a sealed Bid is August 4, 2005 by 2:00 p.m., Eastern Time.

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."

AREA AGENCY ON AGING OF PASCO-PINELLAS

Notice of Request for Proposal
Bidders Conference

Contingent upon the availability of funds, the Area Agency on Aging of Pasco-Pinellas, Inc. for Planning and Service Area 5 (Pasco and Pinellas Counties), will be contracting and is soliciting sealed proposals for services for the period January 1, 2006 – December 31, 2006. Services are to be provided to persons 60+ years of age and older. Proposals are solicited for adult day care, chore, congregate meals, counseling, legal, home delivered meals and homemaker in Pasco County. In Pinellas County adult day care, chore, congregate meals, counseling, legal, home delivered meals, homemaker and recreation. Specifications for proposals may be obtained at the bidder's conference on:

August 11, 2005

Area Agency on Agency of Pasco-Pinellas, Inc.
Conference Room
1:30 p.m. – 3:00 p.m.
9887 4th Street, North
St. Petersburg, FL 33702

or from Rachel Bryan at the Area Agency on Aging office beginning August 3rd. Letters of Intent to submit a proposal are due on August 18, 2005. Sealed proposals are due by 3:00 p.m., on September 2, 2005 with openings immediately following. The Area Agency on Aging reserves the right to reject any and all proposals not complying with specifications and requested information.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF PROJECT APPROVAL AND FUNDING

The Florida Communities Trust (Trust) has approved funding applications submitted under the Florida Communities Trust Florida Forever Program, Series FF4 funding cycle. On September 1, 2004 applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-7, F.A.C. In accordance with Rule 9K-7.009, F.A.C., the projects are considered to have received final approval for funding. The funds awarded derive from the sale of Florida Forever bonds.

Funding has become available for selected previously unfunded projects and those applications approved for funding and the amounts of funding approved are listed below. The approval is subject to appeal and may change following the appeals process. If any Applicant files an appeal and the result of the appeal process changes the ranking of the funded applications, then another notice will be issued.

The following projects were approved for funding with funds currently available:

Selected/Funded Project No.	Project Name	Applicant	Amount
04-010-FF4	Sunny Lake Trail Head & Conservation Park	Town of Davie	\$1,790,000.00
04-015-FF4	Indian Shores/Walk-in-Water	Polk County	\$673,012.50
04-061-FF4	Land Acquisition Along Tampa Bay, East of Largo	City of Largo	\$850,000.00
04-076-FF4	Crooked River Lighthouse Park	City of Carrabelle	\$670,000.00
04-009-FF4	Riverside Park	Broward County	\$809,020.00
04-050-FF4	Addition to Mala Compra Oceanfront Park	Flagler County	\$2,625,000.00
04-073-FF4	Weavexx Community Recreation Park	Gadsden County	\$2,583,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal

evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, F.A.C., "Airport Licensing, Registration, and Airspace Protection" for the following site:

Breezy Knoll, a private airport, in Walton County, at Latitude 30° 49' 12" and Longitude 086° 20' 40", to be owned and operated by Mrs. Victoria Waterman, 1359 Long Road, DeFuniak Springs, FL 32433.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, F.A.C., and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department

of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, United Motors of America, Inc., intends to allow the establishment of Aztec Scooter Company, as a dealership for the sale of UM make motorcycles, at 132 West Park Avenue, Suite 7, Edgewater (Volusia County), Florida 32132, on or after June 23, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Aztec Scooter Company are dealer operator: Manuel Cacdac, 2312 Hill Street, New Smyrna Beach, Florida 32169; principal investor(s): Manuel Cacdac, 2312 Hill Street, New Smyrna Beach, Florida 32169.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Juan Villegas, President, United Motors of America, Inc., 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Irbit Motorworks of America, Inc., intends to allow the establishment of Ural Miami Corporation, as a dealership for the sale of Ural Motorcycles, at 7227 Southwest 40th Street, Miami (Dade County), Florida 33155, on or after June 16, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Ural Miami Corporation are dealer operator: Luis Pinon, 7227 Southwest 40th Street, Miami, Florida 33155; principal investor(s): Luis Pinon, 7227 Southwest 40th Street, Miami, Florida 33155.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Madina Merzhoyeva, Dealer Relations Manager, 15411 Northeast 95th Street, Redmond, Washington 98052.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, STR Motorsports, Inc., intends to allow the establishment of Palm Beach Bicycle Trail Shop, Inc., as a dealership for the sale of KYMCO motorcycles, at 223 Sunrise Avenue, Palm Beach (Palm Beach County), Florida 33480, on or after July 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Palm Beach Bicycle Trail Shop, Inc., are dealer operator: Mark Quinn, 4070 Catalpha Avenue, Palm Beach Gardens, Florida 33410; principal investor(s): Mark Quinn, 4070 Catalpha Avenue, Palm Beach Gardens, Florida 33410.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**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."

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

1. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50

percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

2. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.
3. Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.
4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration

of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.

5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.
6. Updates to the outpatient hospital revenue center codes.

PROPOSED RATES: Effective July 1, 2005, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

JUSTIFICATION: The justification for the proposed rate change is based on the legislative direction provided in 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2005. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 22, 2005.

Please contact the person listed above for a copy of the Plan when available.

CERTIFICATE OF NEED
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Hillsborough District: 6
 ID # 0400029 Decision: A Issue Date: 6/20/2005
 Facility/Project: Town & Country Hospital
 Applicant: Town & Country Hospital, L.P.
 Project Description: Add 20 adult inpatient psychiatric beds
 Proposed Project Cost: \$2,000,000

CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Alachua Service District: 3
 CON # 9845 Decision Date: 6/20/2005 Decision: W
 Facility/Project: VITAS Healthcare Corporation of Florida
 Applicant: VITAS Healthcare Corporation of Florida
 Project Description: Establish a hospice program

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, F.A.C.

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

On June 28, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Nilo Hernandez, D.D.S. license number DN 12716. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 15, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Dan Bolds, D.M.D. license number DN 6730. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 28, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Karen Colleen Sinnott, R.N, license number RN 1102352. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 22, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Tiera Michelle Hasbrouck, C.N.A. certificate number 1188****1541. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 22, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Thomas Scott, C.N.A. certificate number *****1159. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 29, 2005):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Floridian Bank, 299 West Granada, Suite C, Ormond Beach, Volusia County, Florida 32174

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: June 27, 2005

**APPLICATION FOR AN INTERNATIONAL
ADMINISTRATIVE OFFICE**

Applicant and Location: Credit Suisse, Zurich, Switzerland
Proposed Florida Location: 1111 Brickell Avenue, Suite 2700, Miami, Florida 33131

Received: June 24, 2005

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 20, 2005
 and June 24, 2005**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-302.104	6/23/05	7/13/05	31/17	31/20
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**AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Care Cost Containment Board**

59E-7.012	6/22/05	7/12/05	31/15	
59E-7.014	6/22/05	7/12/05	31/15	
59E-7.015	6/22/05	7/12/05	31/15	
59E-7.016	6/22/05	7/12/05	31/15	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Architecture and Interior Design

61G1-11.012	6/24/05	7/14/05	31/17	
61G1-13.001	6/24/05	7/14/05	31/20	
61G1-14.001	6/24/05	7/14/05	31/17	
61G1-14.002	6/24/05	7/14/05	31/17	
61G1-14.003	6/24/05	7/14/05	31/17	
61G1-14.004	6/24/05	7/14/05	31/17	
61G1-14.005	6/24/05	7/14/05	31/17	
61G1-14.0051	6/24/05	7/14/05	31/17	
61G1-14.006	6/24/05	7/14/05	31/17	
61G1-14.007	6/24/05	7/14/05	31/17	
61G1-14.008	6/24/05	7/14/05	31/17	
61G1-20.001	6/24/05	7/14/05	31/20	
61G1-20.002	6/24/05	7/14/05	31/17	
61G1-20.003	6/24/05	7/14/05	31/17	
61G1-20.004	6/24/05	7/14/05	31/17	
61G1-20.005	6/24/05	7/14/05	31/17	
61G1-20.006	6/24/05	7/14/05	31/17	
61G1-20.007	6/24/05	7/14/05	31/17	
61G1-21.001	6/24/05	7/14/05	31/17	
61G1-24.001	6/24/05	7/14/05	31/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Construction Industry Licensing Board

61G4-18.001	6/22/05	9/1/05	31/13	31/20
61G4-21.006	6/22/05	7/12/05	31/10	31/21

Board of Accountancy

61H1-31.001	6/24/05	7/14/05	31/19	
61H1-33.003	6/20/05	7/10/05	31/19	
61H1-33.00342	6/20/05	7/10/05	31/19	

**DEPARTMENT OF HEALTH
 Division of Medical Quality Assurance Boards**

64B-1.016	6/22/05	7/12/05	31/3	31/14
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Board of Dentistry

64B5-12.013	6/23/05	7/13/05	30/41	31/11
64B5-12.018	6/23/05	7/13/05	30/41	
64B5-16.005	6/23/05	7/13/05	31/19	
64B5-16.006	6/23/05	7/13/05	31/19	

Board of Physical Therapy Practice

64B17-7.002	6/23/05	7/13/05	31/19	
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Board of Respiratory Care

64B32-6.005	6/23/05	7/13/05	31/20	
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Division of Disease Control

64D-3.022	6/22/05	7/12/05	31/13	31/19
64D-3.023	6/22/05	7/12/05	31/13	31/19

**DEPARTMENT OF FINANCIAL SERVICES
 Division of Workers' Compensation**

69L-6.028	6/22/05	7/12/05	31/13	
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