

SPECIFIC AUTHORITY: 475.614, 475.619 FS.  
 LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 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: Elizabeth P. Vieira, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**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 Physical Therapy Practice**  
 RULE TITLE: Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees  
 RULE NO.: 64B17-2.005  
 PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Licensure fees.  
 SPECIFIC AUTHORITY: 486.025, 486.085 FS.  
 LAW IMPLEMENTED: 456.036(4), 486.085, 486.108(1) 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: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II**  
**Proposed Rules**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12A-19.070
Department of Revenue Electronic Database	12A-19.071
Certification of Service Address Databases	12A-19.072
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12A-19.073
Public Use Forms	12A-19.100

**PURPOSE AND EFFECT:** The purpose of the proposed creation of Rules 12A-19.070, 12A-19.071, 12A-19.072, and 12A-19.073, F.A.C., is to implement the provisions of Sections 202.22 (relating to the determination of local tax situs and the electronic database), 202.23 (relating to refunds or credits), 202.28 (relating to collection allowances), 202.34 (relating to record-keeping), and 202.35 (relating to the powers of the department in dealing with delinquencies), F.S.

The purposes of the proposed creation of Rules 12A-19.070, 12A-19.071, 12A-19.072, and 12A-19.073, F.A.C., respectively, are to: provide guidance on the collection of the local communications services tax, the availability and criteria for receiving hold harmless protection and a higher collection allowance; provide guidance and procedures on maintaining, updating, and objecting to the Communications Services Tax Address/Jurisdiction Database; provide guidance and procedures on applying to the Department to obtain certification of a database for purposes of receiving hold harmless protection and a higher collection allowance; and provide guidance on the use of enhanced zip code methodologies for purposes of receiving hold harmless protection and a higher collection allowance.

The purpose of amending Rule 12A-19.100, F.A.C., is to incorporate, by reference, forms used by the Department, local taxing jurisdictions, and substantially affected persons in connection with the Communications Services Tax Address/Jurisdiction Database.

**SUMMARY:** The proposed creation of Rule 12A-19.070, F.A.C., Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods provides for the following: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of one or more specified

methodologies to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using methodologies that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the methodologies employed by a communications services dealer. The proposed creation of Rule 12A-19.071, F.A.C., Department of Revenue Electronic Database, provides guidelines on: 1) the availability and use of the electronic service address database maintained by the Department of Revenue and referred to as the Address/Jurisdiction Database; 2) the procedures for local taxing jurisdictions to request changes to the Address/Jurisdiction Database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Address/Jurisdiction Database.

The proposed creation of Rule 12A-19.072, F.A.C., Certification of Service Address Databases, provides guidelines on the standards and procedures for certification or recertification of a customer service address database developed by a communications services dealer or a third-party vendor.

The proposed creation of Rule 12A-19.073, F.A.C., Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions, provides guidelines on the use of an enhanced zip code method to assign customer service addresses to avoid liability for errors in customer service address assignments.

These proposed rules adopt and incorporate by reference two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing." The rules also reference the following forms that are currently incorporated, by reference, in Rule 12A-19.100, F.A.C., Public Use Forms: (1) DR-700012, "Application for Certification of Communications Services Database"; and (2) DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)."

The proposed amendments to Rule 12A-19.100, F.A.C., Public Use Forms, incorporate, by reference, the following forms created by the Department in the administration of the communications services tax: (1) DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; (2) DR-700026, "Local Government Authorization For Address Changes Described on Form DR-700025"; and (3) DR-700027, "Local Government Authorization For Omission of Address or Range or Incorrect Address Identification." The rule also incorporates by reference changes to Form DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment."

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

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

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(b),(c),(d),(f),(g), 202.28(1) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.22, 202.23, 202.28, 202.34(1)(a),(3),(4)(c), 202.35(3) FS.

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

TIME AND DATE: 10:00 a.m., August 15, 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 the 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 RULES IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the effective communications services tax Address/Jurisdiction Database, which is the official electronic database maintained by the Department that is posted 90 days prior to its adoption and becomes effective every January 1 and July 1, as discussed in Rule 12A-19.071, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are

due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction. In addition, a specific penalty of 10 percent of any tax collected but reported to an incorrect jurisdiction as a result of an incorrect address assignment, not to exceed \$10,000 per return, will be imposed on any dealer that does not use a database described in paragraph (2)(a).

(c) When a dealer fails to respond to a contact by the Department to the dealer's designated managerial representative regarding the completeness or accuracy of the dealer's return, or when a dealer's records are determined to be inadequate for purposes of determining whether the dealer properly allocated tax to or between local governments, the Department may use the best information available to determine the proper allocation or reallocation. In such circumstances, the Department shall seek the agreement of the affected local governments.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one or more of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Rule 12A-19.072, F.A.C.;

3. An enhanced zip code method, as discussed in Rule 12A-19.073, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Rule 12A-19.072, F.A.C.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses. Upon initial registration with the Department for communications services tax purposes, dealers should provide that information when completing Form DR-1, Application to

Collect and/or Report Tax in Florida (incorporated by reference in Rule 12A-1.097, F.A.C.). If a dealer changes the method or methods to be used, the dealer must notify the Department of the change in method or methods and of the effective date of the change on Form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one or more of the described methodologies. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person, under the circumstances, when ascertaining the correct local taxing jurisdiction to which the purchaser's service address should be assigned.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement one or more of the methods described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors by any person. A dealer's internal controls must ensure that procedures are in place to prevent the recurrence of errors that the dealer was previously notified of and has previously corrected. A dealer may choose to update its database more frequently than once every six months, as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Rule 12A-19.071, F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months. However, the availability of the auxiliary file on the Department's website does not constitute notice to a dealer of errors in the dealer's assignments of service addresses contained in the auxiliary file.

b. Internal controls in the assignment of service addresses are not adequate if the procedures in place to prevent the recurrence of previously corrected errors are not used to prevent the recurrence of incorrect assignments. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that an error recurs, the dealer will be considered to have exercised due diligence as required for the protection described

in paragraph (a) only if the recurrence occurs even though the dealer did in fact exercise the care and attention that is expected from, and ordinarily exercised by, a reasonable and prudent person under the circumstances, with regard to the recurrence of the error.

2. A communications services dealer must maintain records to establish that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Examples of such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based. For purposes of documenting that the dealer corrected errors within 120 days of notice or discovery, dealers should maintain documentation that establishes that the amount of time between the initial notification or discovery of the error and correction of the error did not exceed 120 days. Keeping records of each step within the process or procedures used to correct the error is not necessary; however, to establish due diligence, the dealer must be able to demonstrate that the overall time required to correct errors did not exceed 120 days. A dealer will not be entitled to the protection described in paragraph (a) during any period that the dealer does not have records establishing that the dealer exercised due diligence for that period.

3. If a communications services dealer uses a certified database provided by a third-party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third-party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third-party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. As part of its due diligence, the dealer must comply with the vendor's instructions or directions in the dealer's use of the certified database. Further, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third-party vendor's certified database must ensure that when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days

from discovering or being notified of such errors and that procedures are in place to ensure that the error is not repeated when a subsequent update is obtained from the vendor. Nothing in this subparagraph requires a dealer using a certified database to update its database more than two (2) times a year, so long as each update incorporates all changes received from the vendor since the prior update.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address not assigned by a methodology described in paragraph (a). A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing one or more of the methods described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. All requests by a purchaser for a refund or credit must comply with the provisions of Section 202.23, F.S., which controls a purchaser's entitlement to a refund or credit. A dealer's employment of one or more of the methods described in paragraph (a) does not deprive a purchaser of the right to a refund or credit of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund or credit the amount of the overpayment to the purchaser. Upon making such refund or credit, the dealer would be entitled to an equal refund or credit from the Department upon proper reporting to the Department of the amount and jurisdictions involved. Dealers are not entitled to retain or take credits for taxes collected from any customers assigned to an incorrect local taxing jurisdiction in excess of the taxes due to the correct local taxing jurisdiction unless a refund or credit has been provided to the customer.

2. For purposes of this paragraph, a purchaser that requests a refund or credit from the provider in accordance with the provisions of Section 202.23, F.S., and that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that

address was assigned in the effective Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous, because the effective Address/Jurisdiction Database is conclusive for purposes of the communications services taxes. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer the claim for a refund or credit to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the effective Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid should refer the purchaser to the Department in order for the purchaser to object to the Address/Jurisdiction Database as a substantially affected person. The dealer is not required to make a refund or credit to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error, such revision was to the effective Address/Jurisdiction Database that became effective prior to the date of the sale involved in the claim as provided in paragraph (3)(g) of Rule 12A-19.071, F.A.C., and the purchaser has requested a refund or credit in the manner required by Section 202.23, F.S. The provisions of this rule are subordinate to Section 202.23, F.S. and are intended to provide additional information regarding the effect of incorrect service address assignments by dealers who are employing a method identified in paragraph (2)(a).

(3) Collection Allowance.

(a) Any communications services dealer that employs one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing one or more of the methodologies that qualify for that allowance. If a communications services dealer's records do not clearly

establish that the assignment of the service addresses was made employing one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3., the dealer shall be entitled to only a .25 percent collection allowance on sales made to such service addresses.

(c) A communications services dealer must also timely file its return, remit all tax reported, and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6),(8), 202.23, 202.28(1),(2), 202.34(1)(a), 202.35(3) FS. History—New \_\_\_\_\_.

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (www.myflorida.com/dor). An updated Address/Jurisdiction Database is posted to the Department's website 90 days prior to adoption of the Address/Jurisdiction Database. The updated Address/Jurisdiction Database is adopted and becomes effective every January 1 or July 1. References to the effective Address/Jurisdiction Database refer to the official database that is available on the website and conclusive for purposes of communications services tax, which was adopted the previous January 1 or July 1. The effective Address/Jurisdiction Database does not include the information contained in the auxiliary file described in paragraph (b).

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database to become effective the next January 1 or July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use the auxiliary file to update their service address assignments between the January 1 and July 1 effective date of the Address/Jurisdiction Database even though such use of the auxiliary file is not required to satisfy due diligence requirements.

(c) Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. A file of addresses in the format adopted by the Federation of Tax Administrators and the Multistate Tax Commission in accordance with the federal

Mobile Telecommunications Sourcing Act is available. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments.

(d) The Department will allow other persons, such as third-party vendors of databases or billing services, to download the database, when permitting such access is practicable and the Department determines that such access will further efficient administration of the taxes for which the Department is responsible.

(e) The Department's website also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The individual address lookup feature searches the auxiliary file as well as the effective database and may therefore reflect information that has not yet been incorporated into the effective database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(f) The availability and effective date of the updated Address/Jurisdiction Database are announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update, as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each update of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to adoption and is also available to dealers of communications services, vendors of databases, and other persons authorized to download the database in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(g) To fulfill its statutory responsibility to maintain the database, the Department will when practicable initiate procedures to correct apparent errors, such as an address that is assigned to two jurisdictions or not assigned to any jurisdiction. The Department will in such cases initiate an objection to the database in accordance with the provisions of subsection (3) and will process the objection in the same manner in which other objections are processed.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact

persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have an access code.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the posting of that update of the Address/Jurisdiction Database on the Department's website. Submissions initiated during this time frame will be denied, and a new submission will be necessary.

(d) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(e)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide (MSAG) database information relating to local law enforcement responders issued by the local jurisdiction

coordinator's office. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain written consent to the change from an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a Form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence. In such instances, the Department will make the change based upon the representations on the form. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in this paragraph. Identification of the case number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request.

3. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently submitting requests to change the new address assignments after they have been processed.

4. If a requested change affects only the requesting local taxing jurisdiction and does not affect another local taxing jurisdiction, the Department will consider receipt of an affidavit signed by the authorized contact person for that local taxing jurisdiction that identifies the addresses or address ranges and states that the change affects only the requesting

local taxing jurisdiction to be sufficient competent evidence. The use of an affidavit is not required but, at the option of the requesting local taxing jurisdiction, may be used in lieu of providing other documentation such as subdivision plats. In such instances, the Department will make the change based upon the representations on the form and the affidavit. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

(f) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file Form DR-700022 with a copy of the approved subdivision plat or an affidavit indicating that the change affects only the requesting local taxing jurisdiction and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation is effective July 1, 2004. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a Form DR-700022 on March 2, 2004. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the Form DR-700022 or otherwise given written consent to the changes. On March 5, 2004, the Department notifies the county of the requested changes and provides copies of the municipality's Form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 26, 2004, the Department processes the changes, and they are included in an update posted on April 2, 2004, to take effect July 1, 2004. The county's database contact person notifies the Department on July 15, 2004, that the county believes the database now incorrectly assigns 25 service addresses to the municipality.

The county should submit Form DR-700022 to move the addresses from the municipality to the county. The Department will handle this as a change to the database.

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation is effective July 1, 2004. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a Form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the Form DR-700022. The municipality submits the form to the Department on February 15, 2004. The Department will approve the changes and include them in the July 1, 2004 update to the Address/Jurisdiction Database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting Form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only objections to the effective Address/Jurisdiction Database can be considered; those objections that are not objections to the effective Address/Jurisdiction Database will be denied. Before submitting an objection, a person should check the effective Address/Jurisdiction Database and the auxiliary file to determine whether the contemplated objection is necessary. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions. However, local taxing jurisdictions should use Form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions, in a manner that segregates the changes from City A to City B from the changes from City B to City A.

(c) In the event that a dealer that is required to collect local communications services tax elects to formally object to information contained in the Address/Jurisdiction Database, the dealer must file Form DR-700025. If the dealer's objection is to the assignment of multiple addresses or address ranges, the dealer should electronically submit the addresses in the format used to apply for certification of databases by following the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing, as provided in

paragraph (2)(a) of Rule 12A-19.072, F.A.C. In the event that the dealer is unable to submit its objection on-line, the dealer should contact the Department to request authorization to submit changes through alternative electronic media. This rule is not intended to interfere with any procedures implemented by dealers to inform local taxing jurisdictions of errors in the Address/Jurisdiction Database.

(d) Examples of competent evidence that support an inquiry into a substantially affected party's objection include a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, the enhanced 911 MSAG database, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using Form DR-700025. The Department will use any information at its disposal, including enhanced 911 MSAG database address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to the affected jurisdictions in the manner provided in paragraph (3)(f). If the change is approved, it would be included in the auxiliary file with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached completed Form DR-700025. The Department will provide to the affected local taxing jurisdiction Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree or disagree with the inclusion of a service address or address range or with changing non-jurisdictional information about a service address or address range proposed by the attached completed Form DR-700025. In case the forms become separated, the Department will include on the bottom portion of each form



the same tracking number and date to identify which forms belong together. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. These forms will not be sent to the local taxing jurisdictions between February 1 and April 2 nor between August 4 and October 3 due to the inability of local taxing jurisdictions to make on-line changes during the updating and posting of the next effective Address/Jurisdiction Database. The local taxing jurisdictions should review the specific address(es) at issue as well as the address range(s) that will be impacted by the change to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection by utilizing the provided authorization form, which will be either Form DR-700026 or Form DR-700027. If the affected local taxing jurisdictions both indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the Form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(g) No communications services provider who relies on the assignment of a service address in the effective Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. All requests by a purchaser for a refund or credit must comply with the requirements of Section 202.23, F.S.. When a substantially affected person files an objection to the Address/Jurisdiction Database no later than August 31 for an assignment that became effective on July 1 or no later than February 28 (February 29 in a leap year) for an assignment that became effective on January 1 that is approved, the substantially affected person's local taxing jurisdiction will be changed in

the effective Address/Jurisdiction Database. Such a person would be entitled to a refund or credit of any local communications services taxes overcollected during the period of time that the incorrect assignment occurred in accordance with the documentation provided by the Department demonstrating approval of the objection and the date from which the change to the Address/Jurisdiction Database is effective, as long as the claim for refund or credit complies with the provisions of Section 202.23, F.S.

Specific Authority 202.26(3)(b),(g) FS. Law Implemented 202.22(2), 202.23 FS. History—New \_\_\_\_\_

#### 12A-19.072 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third-party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on Form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.), and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, [www.myflorida.com/dor](http://www.myflorida.com/dor), and hereby incorporated by reference). All applicable portions of the application must be completed. Communications services dealers and vendors that sell databases of addresses to dealers must submit the address databases for which certification is sought with their applications.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c)1. The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database

described in Rule 12A-19.071, F.A.C. The Department will notify the applicant of all service addresses that do not match the Address/Jurisdiction Database, regardless of whether the applicant's database meets the accuracy criterion for certification.

2. In the event that an applicant vendor has a software program that assigns addresses to jurisdictions rather than a database of addresses, the vendor should include a copy of the "user manual" or equivalent directions that will be provided to purchasers of the software with its application for certification. Procedures for testing the software and its assignment of addresses or address ranges to local taxing jurisdictions will be determined on a case-by-case basis. The procedures must be sufficient to ensure that the software meets an overall accuracy rate of 95 percent with a 95 percent level of confidence.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. Under such circumstances, the Department will issue a notice certifying the database, even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database.

(3) An application for recertification of a database must be submitted on Form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an application for renewal should be applied for by a specified date. Unless a timely application for recertification has been filed as provided under subsection (3), a certification or recertification is effective through the date stated on the notice.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the

accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to ensure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department will first provide notice to the applicant of its intent to revoke the certification, as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination regarding whether a new Form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be a substantial expansion of the service area covered by a database, the merger of the certified database with a non-certified database, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Rule 12A-19.070, F.A.C., are not material changes that require Department review of a database.

Specific Authority 202.26(3)(g) FS. Law Implemented 202.22(3) FS. History--  
New \_\_\_\_\_.

#### 12A-19.073 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Rule 12A-19.070, F.A.C., for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3)(a) When the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office, dealers or vendors providing databases are not permitted to presume that all service addresses within the enhanced zip code are situated to the same local taxing jurisdiction. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

1. The Address/Jurisdiction Database, described in Rule 12A-19.071, F.A.C.;
2. A database that has been certified by the Department as provided in Rule 12A-19.072, F.A.C.;
3. Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;
4. The United States Census Bureau; or
5. The United States Postal Service.

(b) The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Rule 12A-19.070, F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Rule 12A-19.070, F.A.C.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 United States Code (U.S.C.) section 120, including the termination of the safe harbor provided by that section. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer

service addresses to local taxing jurisdictions as provided in the federal Mobile Telecommunications Sourcing Act. On May 23, 2003, the Department provided notice, as required by Title 4 U.S.C. s. 119(b), that the Department of Revenue's Address/Jurisdiction Database complies with the formatting requirements of Title 4 U.S.C. s. 19(a)(2) of the Mobile Telecommunications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Rule 12A-19.070, F.A.C.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History--New \_\_\_\_\_.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

	Form Number	Title	Effective Date
	(2) through (7)	No change.	
	(8) DR-700022	Local Communications Services Tax Notification of Jurisdiction Change (R. 03/03)	_____
	(9)(8) DR-700025	Objection to Communications Services Tax Electronic Database Service Address Assignment (R. 10/05 N. 04/02)	_____ 04/03
	(10) DR-700026	Local Government Authorization For Address Changes Described on Form DR-700025 (N. 10/05)	_____
	(11) DR-700027	Local Government Authorization For Omission of Address or Range or Incorrect Address Identification (N. 10/05)	_____
	(12)(9)	No change.	_____

Specific Authority 202.151, 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History--New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rules 12A-19.070 through 12A-19.073, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on September 27, 2002 (Vol. 28, No. 39, pp. 4091-4098). A rule development workshop was conducted on October 17, 2002. A notice for a second rule development workshop for Rules 12A-19.070 through 12A-19.073, F.A.C., was published in the Florida Administrative Weekly on July 3, 2003 (Vol. 29, No. 27, pp. 2632-2641). The second rule development workshop was conducted on July 31, 2003. A notice for a third rule development workshop for Rules 12A-19.070 through 12A-19.073, and 12A-19.100, F.A.C., was published in the Florida Administrative Weekly on August 6, 2004 (Vol. 30, No. 32, pp. 3157-3167). The third rule development workshop was conducted on August 24, 2004.

**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 MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE TITLES:	RULE NOS.:
Definitions	60BB-8.100
Child Eligibility	60BB-8.200
Parent Application and Procedures	60BB-8.201
Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment	60BB-8.202
Provider Application and Procedures	60BB-8.300

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to parent and provider applications and child eligibility and enrollment in the Voluntary Prekindergarten Program.

SUMMARY: The proposed rules seek to establish procedures for early learning coalitions related to parent and provider applications and child eligibility and enrollment.

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: Ch. 120, 1002.79 FS.

LAW IMPLEMENTED: 1002.53, 1002.61, 1002.69, 1002.71, 1002.75, 1003.01, 1003.21 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: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.100 Definitions.

As used in this chapter, the term:

(1) “Absent” or “absence” means each instructional day that a student is not in attendance at the Voluntary Prekindergarten program.

(2) “Attend” or “attendance” means each instructional day that a student is present at the Voluntary Prekindergarten program for all or part of that day’s instruction.

(3) “Early Learning Coalition” or “Coalition” means an entity created by Section 411.01(5), F.S., whose membership is appointed pursuant to Section 411.01(5)(a)3., F.S., and whose function it is to coordinate the Voluntary Prekindergarten program with private providers and school districts at the local level.

(4) “Eligibility and enrollment services” means registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the Voluntary Prekindergarten program.

(5) “Enroll” or “enrollment” means recording an association in the statewide information system between a child who has been determined eligible for the Voluntary Prekindergarten program and the provider or school chosen by the child’s parent or guardian.

(6) “Instructional day” means each calendar day recorded that a provider or school is scheduled to deliver instruction to a student’s Voluntary Prekindergarten class.

(7) “Qualified contractor” means a legal entity operating under contract with an early learning coalition which is authorized to perform eligibility and enrollment services on behalf of the coalition. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.

(8) “Register” or “registration” means recording a parent’s or guardian’s request for his or her child to be determined eligible to participate in the Voluntary Prekindergarten program.

(9) “Startup period” means the first 5 instructional days of a Voluntary Prekindergarten class.

(10) “Voluntary Prekindergarten” or “VPK” means the program created by Section 1002.53, F.S. and which is organized, designed, and delivered in accordance with section 1(b) and (c), Art. IX of the State Constitution.

Specific Authority 1002.79 FS. Law Implemented 1002.75 FS. History—New \_\_\_\_\_.

60BB-8.200 Child Eligibility.

Child Eligibility. Early Learning Coalitions must determine child eligibility for the VPK program by verifying the child’s age eligibility, residence eligibility, and participation eligibility.

(1) Age Eligibility.

(a) All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a).

(b) When a child becomes eligible for kindergarten or is admitted to kindergarten the child is no longer eligible for VPK. A child who is 5 years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.

(c) During the application process, a coalition or its contracting agency shall collect and retain in the child’s file a photocopy of at least one of the following documents for purposes of verifying age:

1. An original or certified copy of the child’s birth record filed according to law with a public officer charged with the duty of recording births;

2. An original or certified copy of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

3. An insurance policy on the child’s life that has been in force for at least 2 years, which reflects the child’s birth date;

4. A religious record of the child’s birth accompanied by an affidavit sworn to by the parent;

5. A passport or certificate of arrival in the United States showing the birth date of the child;

6. A transcript of record of age shown in the child’s school record from at least 4 years prior to application, stating the date of birth;

7. An immunization record indicating the child’s date of birth, signed by a public health officer or by a licensed practicing physician;

8. A valid military dependent identification card showing the child’s date of birth; or

9. If none of the documents listed above can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age reflecting the child’s birth date, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

(2) Residence eligibility.

(a) All 4 year old children must reside in the State of Florida. Coalitions must only establish where the child lives, not test the legal residency of the child. Those persons who have not established Florida as their legal residence, but are residing in Florida for an extended period of time, (e.g., persons possessing work or education visas or immigrants) are qualified to receive services.

(b) The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:

1. Utility bill;

2. Bank statement;

3. Insurance policy;

4. Pay stub; or

5. Government document (e.g., prior tax return, Florida Driver’s license).

(c) A homeless child, as defined in Section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary (e.g., letter from homeless shelter).

(3) Participation eligibility.

(a) Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S.

(b) A parent may enroll the child in one of the following programs as established in Section 1002.53(3), F.S.:

1. A school-year prekindergarten program delivered by a private prekindergarten provider under Section 1002.55, F.S.;

2. A summer prekindergarten program delivered by a public school or private prekindergarten provider under Section 1002.61, F.S.; or

3. A school-year prekindergarten program delivered by a public school, if offered by a school district that is eligible under Section 1002.63, F.S.

Specific Authority 1002.79 FS. Law Implemented 1002.53(2),(3),(4)(b), 1002.69(4), 1002.71(2),(4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New \_\_\_\_\_.

60BB-8.201 Parent Application and Procedures.

(1) Application. A parent wishing to enroll his or her child in the VPK Education Program must fill out form AWI-VPK 01 (Parent Application), version date 05/13/2005, which is hereby incorporated by reference. This application must be completed to determine whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.

(2) Availability of forms and submission. A parent may also complete this application online at [www.vpkflorida.org](http://www.vpkflorida.org), or obtain a paper application from any early learning coalition. If a paper form is used, the parent must mail or deliver the completed paper form to the early learning coalition of the county in which the child will receive services. This may be the county where the parent lives, where the parent works, or a neighboring county. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at [www.vpkflorida.org](http://www.vpkflorida.org).

(3) Documentation of Child's Residency and Date of Birth. Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child's residency and date of birth in accordance with Rule 60BB-8.202, F.A.C.

Specific Authority 1002.79 FS. Law Implemented 1002.53(4), 1002.75(2)(a) FS. History--New \_\_\_\_\_.

60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment. Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:

(1) Registration. A parent or guardian registering his or her child for the VPK program must either register online at [www.vpkflorida.org](http://www.vpkflorida.org) or complete Form AWI-VPK 01 (Parent Application) and submit the completed form to the early learning coalition or its qualified contractor.

(2) Eligibility determination.

(a) An early learning coalition or its qualified contractor shall determine, in accordance with Rule 60BB-8.200, F.A.C., the eligibility of each child. If a parent consultation is required under subparagraph (b)2. below, the eligibility determination shall be performed during the consultation. The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child's age and residence required by Rule 60BB-8.200, F.A.C. Upon determining that a child is eligible for the VPK program, the coalition or its qualified contractor must give the child's parent or guardian a Form AWI-VPK 02 (Certificate of Eligibility) version date 05/16/2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form.

(b) Parent consultation.

1. Except as provided in section (b)2.b. below, staff of the early learning coalition or its qualified contractor must perform a face-to-face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with Section 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.

2. Notwithstanding sub-subparagraph (b)2.a. above, an early learning coalition is not required to perform a face-to-face parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face-to-face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 (Parent Application) and supporting documentation submitted by the parent or guardian.

(3) Enrollment. To complete a child's enrollment, the private prekindergarten provider or public school must submit the child's name and certificate number (from Form AWI-VPK 02 – Certificate of Eligibility) to the coalition or its qualified contractor, associating the child in the designated statewide information system with the provider's or school's appropriate VPK class. Each early learning coalition is encouraged, but not required, to notify a parent or guardian by U.S. Mail after the enrollment of his or her child with the provider's or school's class is completed in the designated statewide information system.

Specific Authority 1002.79 FS. Law Implemented 1002.53(4)(a), 1002.75(2)(a) FS. History--New \_\_\_\_\_.

60BB-8.300 Provider Application and Procedures.

(1) Application. A private provider or public school interested in delivering the VPK Program must complete an application Form AWI-VPK 10 (Statewide Provider Registration Application), version date 04/29/2005, which is hereby incorporated by reference. Completing the application does not guarantee approval to deliver the VPK program.

(2) Completing the application form. This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at [www.vpkflorida.org](http://www.vpkflorida.org). The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at [www.vpkflorida.org](http://www.vpkflorida.org).

An application may be completed by:

(a) Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission; or

(b) Using a blank paper form and completing it by typing or printing clearly in black or blue ink.

(3) Submitting the application. The provider shall mail or deliver the completed application to the early learning coalition in the county in which its VPK site is located. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. This form must be submitted with all required attachments.

(4) Notification of application completion. The early learning coalition in the county in which the provider is located will notify the provider if the provider or school is provisionally eligible to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application. Each provisionally eligible provider or school must also complete Form AWI-VPK 11 (2005-2006 Class Registration Application) version date 04/29/2005, which is hereby incorporated by reference. Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program.

Specific Authority 1002.79 FS. Law Implemented 1002.61, 1002.75(2)(c) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sooni Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 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 Chiropractic Medicine**

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases  
RULE NO.: 64B2-16.003

PURPOSE AND EFFECT: The Board proposes to update the existing language and remove conflicting language in this rule. SUMMARY: The proposed rule amendment updates the existing language and removes conflicting 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: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(4) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (k) No change.

(l) Section 460.413(1)(d), F.S.: false/misleading advertising – ~~(citation offense)~~ from a minimum fine of \$1,000, and a letter of concern, up to a maximum fine of \$7,500 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or revocation;

(m) Section 460.413(1)(e), F.S.: non-identifying advertisement – ~~(citation offense)~~ from a minimum fine of \$500, up to a maximum of one year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to revocation;

(n) No change.

(o) Section 460.413(1)(g) or 456.072(1)(i), F.S.: failure to report another – ~~(citation offense)~~ from a minimum letter of concern and/or a fine of \$500, up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation;

(p) through (zz) No change.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History—New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Application Fees  
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.

RULE NO.: 64B3-9.001

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: 456.025, 483.807(1) FS.

LAW IMPLEMENTED: 456.025, 483.807, 483.815 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-9.001 Application Fees.

(1) Trainee – \$20.

(2) Licensure application – \$100.

(3) Clinical laboratory personnel training program – \$200.

(4) Continuing education provider – \$250.

(5) Public Health Science Technician – \$100.

~~(6) Wall certificate – \$25.~~

Specific Authority 456.025, 483.807(1) FS. Law Implemented 456.025, 483.807, 483.815 FS. History—New 12-7-93, Formerly 61F3-9.001, 59O-9.001, Amended 5-26-98, 5-13-99, 6-10-99, 3-9-00, 4-29-02, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Mandatory HIV/AIDS Education  
RULE NO.: 64B3-11.005

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: 483.823 FS.  
LAW IMPLEMENTED: 456.033(6), 483.823 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:  
64B3-11.005 Mandatory HIV/AIDS Education for Initial Licensure and Renewal.  
Applicants for initial licensure and renewal shall complete a one hour HIV/AIDS continuing education course pursuant to Section 381.0034, F.S., which shall:

- (1) through (3) No change.

Specific Authority 483.823 FS. Law Implemented 456.033(6), 483.823 FS. History–New 12-6-94, Amended 12-4-95, 7-1-97, Formerly 59O-11.005, Amended 10-12-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Manner of Application  
RULE NO.: 64B8-51.001  
PURPOSE AND EFFECT: This rule is amended to add the requirement that official transcripts from a school of electrology must identify the credits taken by home study or correspondence courses and those taken in classroom settings.  
SUMMARY: This amendment requires applicants to provide official transcripts identifying credits taken and type of study done to earn credits (home study, correspondence, classroom hours).  
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: 471.43(1),(4) FS.  
LAW IMPLEMENTED: 489.45 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:  
64B8-51.001 Manner of Application.  
(1) No change.  
(2) All applications must include an official transcript from a school of electrology which identifies the credits taken by home study or correspondence courses and those taken in classroom settings.  
(2) through (4) renumbered (3) through (5) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History–New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine, Electrolysis Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine, Electrolysis Council  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**  
RULE TITLE: Okeechobee Waterway Boating  
RULE NO.: 68D-24.011  
Restricted Areas  
PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over portions of the Okeechobee Waterway at Moore Haven and at State Road 29 Bridge. Rulemaking was prompted by a regional field report and by discussions with the Glades County Sheriff’s Office, the Hendry County Sheriff’s Office, and personnel from our regional office in West Palm Beach. This action is being coordinated with Glades and Hendry Counties, the City of Moore Haven, the City of LaBelle, the United States Army Corps of Engineers, and the United States Coast Guard.  
SUMMARY: Amend by extending and reconfiguring the existing Idle Speed No Wake zones at the Moore Haven Locks and City Dock. Create a boating safety zone in LaBelle at the S. R. 29 Bridge area. These areas are all located within the

Okeechobee Waterway portion of the Florida Intracoastal Waterway in Glades and Hendry Counties. Drawing G has been revised and drawing H is added as new.

SUMMARY OF THE STATEMENT OF THE ESTIMATED REGULATORY COSTS: A statement of the estimated regulatory costs has not 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: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a) 1. through 6. No change.

7. Moore Haven Lock Structure and Vicinity – A Slow Speed Minimum Wake boating restricted area;

a. In the Okeechobee Waterway Rim Canal, shoreline to shoreline, from a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 1,800 feet northwest of the centerline of the Moore Haven Lock Gates canal (26° 50' 45.2" N/81° 05' 24.2"W), to a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 500 feet southeast of the centerline of the Alvin Ward boat ramp (26° 50' 21.8"N/81° 04' 46.9"W), including the area shoreline to shoreline 500 feet north from the Okeechobee Waterway Rim Canal into the Old Moore Haven Canal (26° 50' 40.9"N/81° 05' 14.4"W), and including the Moore Haven Locks canal.

b. In the lock structure and approaches, shoreline to shoreline, from the Okeechobee Waterway Rim Canal to the Caloosahatchee River.

c. In the approaches and spillway of flood control structure S-77, shoreline to shoreline, from the Okeechobee Waterway Rim Canal to the Caloosahatchee River.

d. In the Caloosahatchee River, shoreline to shoreline, from the river's northern terminus at the lock structure to a line drawn perpendicular to the centerline of the river 1,450 feet downstream of the centerline of the US 27 Bridge (26° 49' 48.3"N/81° 05'30.2"W), including the area shoreline to shoreline in the Old Moore Haven Canal south of the Okeechobee Waterway Rim Canal to the Old Moore Haven Canal's terminus north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as depicted in drawing G.

8. State Road 29 Bridge – A Slow Speed Minimum Wake boating restricted area in the Caloosahatchee River, shoreline to shoreline, from a line drawn 500 feet east of and parallel to the centerline of the State Road 29 bridge to a line drawn 2,056 feet west of and parallel to the centerline of the State Road 29 Bridge, as it crosses the Caloosahatchee River (Okeechobee Waterway), as depicted in drawing H.

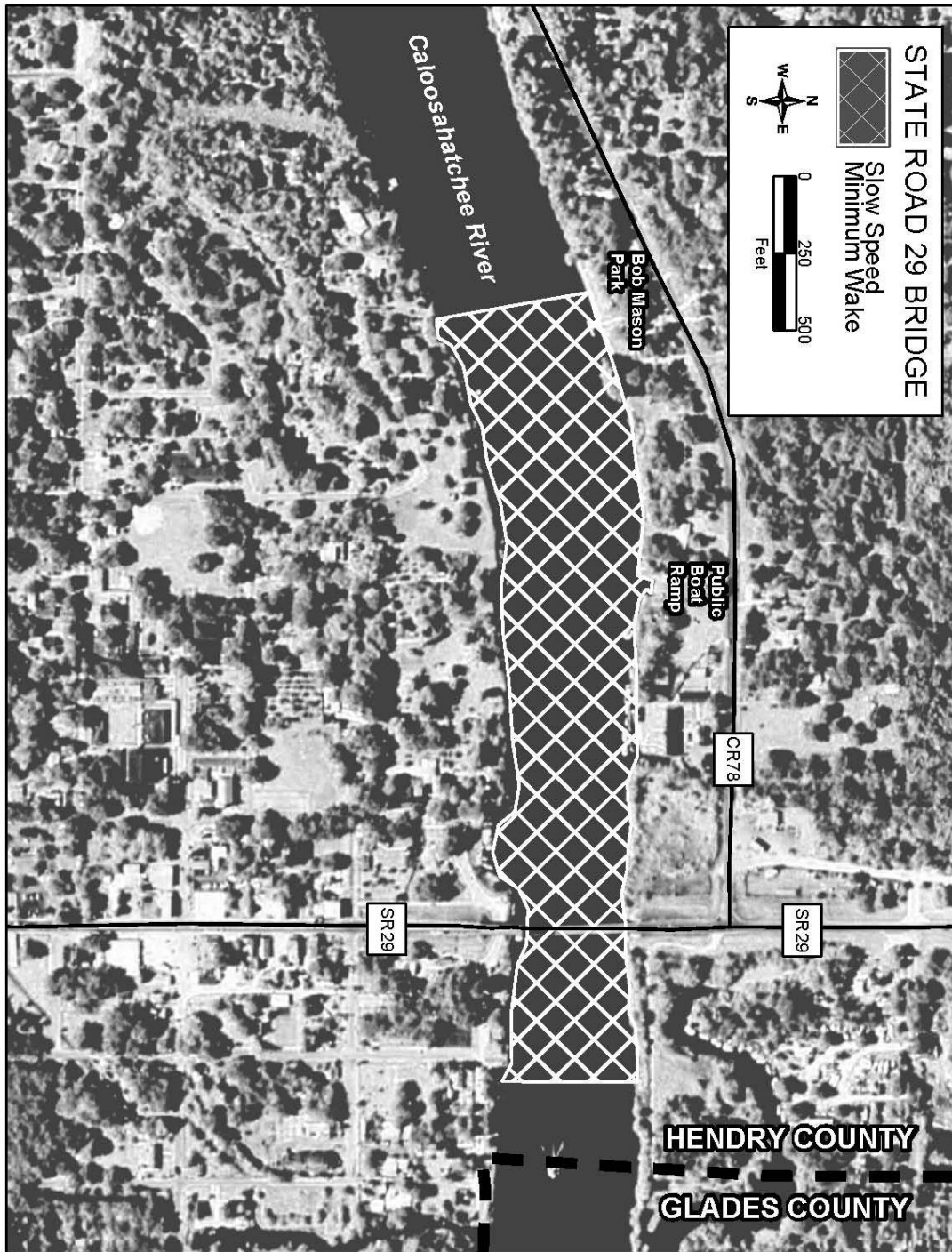
(b) Martin, Palm Beach, Glades, and Hendry Counties County, the City of LaBelle, the City of Moore Haven, and the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective areas counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas are depicted in on the following drawings:

- Drawings A through F – No change.
- Drawing G – Amended
- Drawing H – Added



Drawing G



Drawing H

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended 10-2-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2005

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

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

**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 NO.: 33-208.403  
RULE TITLE: Random Drug Testing of Employees  
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:

- 33-208.403 Random Drug Testing of Employees.
- (1) No change.
- (2) Only employees required to maintain certification under Sections 943.13 and 943.135 Chapter 943, F.S., shall be subject to random drug testing.
- (3) through (18) No change.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History—New \_\_\_\_\_.

Additionally, the following correction is being made to the Specific Authority and Law Implemented sections of the Notice of Proposed Rulemaking:

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE NO.: 41-2.011  
RULE TITLE: Community Transportation Coordinator Powers and Duties

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 25, June 18, 2004, Florida Administrative Weekly has been withdrawn.

**LAND AND WATER ADJUDICATORY COMMISSION Lakewood Ranch Community Development District 7**

RULE CHAPTER NO.: 42ZZ-1  
RULE CHAPTER TITLE: Lakewood Ranch Community Development District 7

RULE NOS.: 42ZZ-1.001, 42ZZ-1.002, 42ZZ-1.003  
RULE TITLES: Establishment, Boundary, Supervisors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules as noticed in Vol. 31, No. 21, May 27, 2005, Florida Administrative Weekly have been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION Health Facilities and Agency Licensing**

RULE NO.: 59A-8.004  
RULE TITLE: Licensure Procedure  
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. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The change in the application forms referenced in paragraph (1) were to show an increase in the licensing period from one to two years, with a commensurate fee increase due to the longer time period, and to remove the requirement for an Alternate Director of Nursing as a result of amendments to Sections 400.464(1), 400.471(10) and 400.462(10), Florida Statutes, by the 2005 Florida Legislature in the passage of CS for SB 484. The updated Background Screening form in paragraph (10) was removed because the current form is still accepted and the form will be revised at a later date.

The changes are as follows:

1. Paragraph (1) shall now read:

An application for licensure, initial, change of ownership, or renewal, shall be made on a form, prescribed by the AHCA: Home Health Agency Application for Initial Licensure, form number, AHCA 3110-1001, Revised July 2005 ~~December 2004~~; Application for Renewal of Licensure, form number, AHCA 3110-1011, July 2005 ~~December 2004~~; and Application for Change of Ownership, form number AHCA3110-1012, July 2005 ~~December 2004~~, all incorporated by reference.