

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLES:	RULE NOS.:
Constitutional Amendment Ballot Position	1S-2.0011
Initiative Constitutional Amendment Petitions	1S-2.009
Constitutional Amendment Initiative	
Petition Submission Deadline;	
Verifying Elector's Signatures	1S-2.0091

PURPOSE AND EFFECT: The purpose of the proposed amendments to these rules is to implement constitutional changes as adopted by voters in 2004 and statutory changes as set forth in Chapter 2005-278, Laws of Florida that pertain to the processes for initiative petitions and ballot positions for constitutional amendments.

SUBJECT AREA TO BE ADDRESSED: Constitutional Amendment Petition and Ballot Position.

SPECIFIC AUTHORITY: 100.371, 101.161 FS.

LAW IMPLEMENTED: Art. XI, Fla. Const.; 100.371, 101.161 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 1, 2005

PLACE: Heritage Hall, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:	RULE NO.:
Polling Place Procedures Manual	1S-2.034

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the polling place procedures manual to reflect changes regarding election procedures at the polls as set forth in Chapter 2005-278, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Polling Place Procedures.

SPECIFIC AUTHORITY: 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 1, 2005

PLACE: Heritage Hall, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:	RULE NO.:
Provisional Ballots	1S-2.037

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to reflect changes in the Florida Election Code relating to the provisional ballot envelope and certificate as set forth in Chapter 2005-278, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Provisional Ballot Envelope and Certificate.

SPECIFIC AUTHORITY: 101.048 FS.

LAW IMPLEMENTED: 101.049 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 1, 2005

PLACE: Heritage Hall, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF STATE**Division of Elections**

RULE TITLE: RULE NO.:

Florida Voter Registration System Voter

Registration and List Maintenance Activities 1S-2.041

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement law affecting voter registration and list maintenance activities under the Florida Voter Registration System consistent with the requirements of Chapter 2005-277, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Voter registration and list maintenance activities.

SPECIFIC AUTHORITY: 98.015, 98.035, 98.075 FS.

LAW IMPLEMENTED: 98.015, 98.035, 98.045, 98.065, 98.075, 98.093, 98.0981, 98.461 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 1, 2005

PLACE: Heritage Hall, R. A. Gray Building, Florida Department of State, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF STATE**Division of Elections**

RULE TITLE: RULE NO.:

Third-Party Voter Registration Organizations 1S-2.042

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement law regarding third-party voter registration organizations consistent with the requirements of Chapter 2005-278, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Third-party voter registration organizations.

SPECIFIC AUTHORITY: 97.0575 FS.

LAW IMPLEMENTED: 97.0575 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, September 1, 2005

PLACE: Heritage Hall, R. A. Gray Building, Florida Department of State, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us

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

DEPARTMENT OF STATE**Division of Cultural Affairs**

RULE TITLE: RULE NO.:

Division of Cultural Affairs IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the eligibility criteria for Local and Statewide Service organizations.

SUBJECT AREA TO BE ADDRESSED: Eligibility criteria of Local Arts Agencies, review procedures and funding of the State Service Organization.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.286(2)(b),(d) 265.2865(6), 265.51, 265.605(1) 265.208, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.65, 265.601-.603, 265.605.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., August 29, 2005

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Acts, persons with disabilities are asked to contact the Division office by the 24th day of August, 2005, if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Dana DeMartino, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

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

DEPARTMENT OF REVENUE

Sale and Use Tax

RULE TITLE:

RULE NO.:

Exemption for Power Farm Equipment;

Suggested Exemption Certificate for

Items Used for Agricultural Purposes

12A-1.087

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.087, F.A.C., is to: (1) incorporate the provisions of ss. 1-2, Chapter 2005-197, L.O.F., regarding the exemption provided for "power farm equipment"; (2) eliminate the 2.5% tax rate imposed on certain equipment prior to July 1, 2005; (3) provide for the definition of "power farm equipment," and remove the definitions of "self-propelled," "power-drawn," and "power-driven" farm equipment, as used prior to July 1, 2005; (4) provide examples of power farm equipment qualifying for the exemption; (5) provide that generators and power units are included in the definition of power farm equipment; (6) eliminate obsolete provisions regarding generators; (7) revise the suggested exemption certificate to incorporate the exemption provided for power farm equipment; (8) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds, as seeds are tax-exempt regardless of their use; and (9) provide technical changes.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed amendments to Rule 12A-1.087, F.A.C., that are necessary to implement the provisions of Sections 1 and 2, Chapter 2005-197, L.O.F., regarding the tax exemption provided for power farm equipment.

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

LAW IMPLEMENTED: 212.02(14)(c),(30), (31),(32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a),(e), 212.085 FS.

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

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

PLACE: Florida Farm Bureau Building, 5700 S. W. 34th Street, Gainesville, Florida

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4838

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.087 ~~Partial~~ Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1)(a) The sale, rental, lease, use, consumption, or storage ~~for use of power self-propelled, power-drawn, or power-driven~~ farm equipment is exempt taxable at the rate of 2.5 percent. To qualify for ~~this the partial~~ exemption, the power farm ~~such~~ equipment must be used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries included in Section ~~§~~ 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. ~~Power Self-propelled, power-drawn, or power-driven~~ farm equipment that is not purchased, leased, or rented for exclusive use in the agricultural production of agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for ~~this partial~~ exemption. This ~~partial~~ exemption is not forfeited by moving qualifying power farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the exemption ~~limitation~~ under Section ~~§~~ 212.08(3), F.S. The format of a suggested certificate is contained in subsection ~~(9)(44)~~.

~~(c) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of 2.5 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any sales tax due.~~

(2) For purposes of this rule, the following definitions will apply:

(a) Agricultural industries, as defined in Section ~~§~~ 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Agricultural production, as defined in Section ~~§~~ 212.02(~~32~~)(~~34~~), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the

harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(c) Aquaculture products, as defined in Section ~~§~~ 597.0015(3), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(d) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product, including the elimination of weeds. Examples of cultivating include, but are not limited to: feeding, fertilizing, plowing, pruning, and spraying agriculture crops or products.

(e) Forest, as defined in Section ~~§~~ 212.02(31)(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

(f) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products.

(g) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3)(a) ~~Power Self-propelled~~ farm equipment, as defined in Section ~~§~~ 212.02(30), F.S., means moving or stationary equipment that contains within itself the means for its own propulsion or power and moving or stationary equipment that is dependent upon an external power source to perform its functions, including, but not limited to tractors. In addition to tractors, qualifying self-propelled farm equipment also includes, but is not limited to:

(b) Some examples of power farm equipment include:

1. Aerators.

2. ~~(a)~~ All-terrain vehicles.

3. Augers.

4. Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.

5. Bale shredders.

6. ~~(b)~~ Backhoes.

7. ~~(c)~~ Boats and boat motors, purchased together or separately, for use in the agricultural production of aquaculture products on a farm. ~~See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.~~

8. ~~(d)~~ Bulldozers.

9. Chainsaws.

10. ~~(e)~~ Combines.

11. Conveyers.

12. Corn, cotton, grain, and bean heads for use on combines.

13. Cultivators.

14. Disks.

15. Feed mills (portable).

16. Feeding Systems.

17. ~~(f)~~ Feller bunchers.

18. Field trailers, wagons, and carts.

19. ~~(g)~~ Forest fertilizer spreaders.

20. Front-end loaders.

21. Harrows.

22. Hay balers, hay cutters, hay rakes, and tedders.

23. ~~(h)~~ Irrigation equipment (traveling “gun-type” and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.

24. Livestock feeders.

25. Log loaders.

26. Milking machines.

27. Mowers.

28. Planters.

29. Plows.

30. Power units.

31. Pumps.

32. Scalpers.

33. Scrapers, graders, grade boxes.

34. ~~(i)~~ Skid steer loaders.

35. ~~(j)~~ Skidders.

36. Sprayers.

37. Spreaders.

38. Tractors.

39. Tree bedders.

40. Wood chippers (field type).

(c) The purchase or lease of power farm equipment which is purchased and invoiced as a single working unit that is used exclusively on a farm or in a forest, as provided in paragraph (1)(a), qualifies for the exemption. When the component parts are purchased separately as single items, only those components that qualify for the exemption, as provided in paragraph (1)(a), may be purchased or leased tax-exempt.

1. Example: An irrigation supply system is purchased for use on a farm to provide water to an agricultural crop. The irrigation supply system, consisting of pumps, pipes, tubing, hoses, generator, motors, and other items, is purchased and invoiced as a single item. The purchase of the irrigation supply system is exempt.

2. Example: A farmer owns an irrigation supply system and wants to replace or update various components of the system. The farmer purchases an additional pump, a generator, and various hoses, pipe, and connectors in order to replace or update the system. The pump and generator qualify as power farm equipment, and these items may be purchased tax-exempt. The purchase of the various hoses, pipe, and connectors does not qualify as a purchase of power farm equipment and is subject to tax at the time of purchase.

(4)(a) Persons engaged in the agricultural production of aquaculture products qualify for the ~~partial~~ exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under Section ~~s.~~ 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of Section ~~s.~~ 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to Section ~~s.~~ 253.68, F.S., and is certified under Section ~~s.~~ 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the ~~partial~~ exemption on the purchase or lease of a boat used exclusively in the agricultural production of clams on the leased site. The exemption is not forfeited by moving boats between farms.

~~(5) Power drawn farm equipment, as defined in s. 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power drawn farm equipment also includes, but is not limited to:~~

~~(a) Bale shredders.~~

~~(b) Corn, cotton, grain, and bean heads for use on combines.~~

~~(c) Cultivators.~~

~~(d) Feed mills (portable).~~

~~(e) Field trailers, wagons, and carts.~~

~~(f) Front-end loaders.~~

~~(g) Livestock feeders.~~

~~(h) Log loaders.~~

~~(i) Planters.~~

~~(j) Plows.~~

~~(k) Sealers.~~

~~(l) Scrapers, graders, grade boxes.~~

~~(m) Sprayers.~~

~~(n) Spreaders.~~

~~(o) Tree bedders.~~

~~(p) Wood chippers (field type).~~

~~(6) Power driven farm equipment, as defined in s. 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power driven farm equipment also includes, but is not limited to:~~

~~(a) Aerators.~~

~~(b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.~~

~~(c) Chain saws.~~

~~(d) Milking machines.~~

~~(5)(7)(a) Power Self-propelled and power drawn farm equipment does not include vehicles (including vehicles without motive power such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S.~~

~~(b) Power Self-propelled and power drawn farm equipment does not include equipment used for processing agricultural crops or products.~~

~~(6)(8)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used exclusively as a power source on a farm or in a forest, as provided in paragraph (1)(a), are exempt from tax to supply power to power driven farm equipment do not qualify as power driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial exemption. For example, a diesel-powered generator used to supply power to an irrigation pump qualifies for the exemption. A generator used to power equipment used in agricultural production also qualifies for the exemption.~~

~~1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.~~

~~2. Example: A diesel-powered irrigation pump that pumps water from a supply source qualifies as power driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies exemption as power driven farm equipment when sold as part of the pump.~~

~~(b) Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under Section ~~s.~~ 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in subsection (11).~~

~~2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.~~

~~(7)(9) The partial exemption for power farm equipment does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.~~

~~(8)(10)(a) The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:~~

1. Sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

2. Consumed in transporting farm vehicles and farm equipment between farms.

3. Sold for use to heat a structure in which started pullets or broilers are raised.

4. Sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

~~(9)(H)~~ Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the limitation under Section ~~§~~ 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying power farm equipment tax-exempt at the rate of 2.5 percent. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name, address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

~~(b) Seeds, including field, garden, and flower seeds, are exempt. The purchaser is not required to issue an exemption certificate to the selling dealer to purchase seeds tax-exempt.~~

~~(c)(b)~~ The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same purchaser for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section ~~§~~ 95.091(3), F.S.

~~(d) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of power farm equipment or items for agricultural use or for agricultural purposes. In such instances, the Department will look solely to the purchaser for any additional sales or use tax due.~~

~~(e)(e)~~ Selling dealers may contact the Department at (800)352-3671 ~~1-800-352-3671~~ to verify the specific exemption specified by the purchaser. Persons with hearing or speech impairments may call the Department's TDD, at (800)367-8331 ~~1-800-367-8331~~.

~~(f)(d)~~ The following is a suggested format of an exemption certificate to be issued by any person purchasing power farm equipment qualifying for exemption ~~items that qualify for the limitation~~ under Section ~~§~~ 212.08(3), F.S., or items that qualify for exemption as items for agricultural use or items for

agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate. The Department does not furnish the printed exemption certificate to be executed by purchasers when purchasing tax-exempt power farm equipment or items for agricultural use or for agricultural purposes.

EXEMPTION CERTIFICATE
ITEMS FOR AGRICULTURAL USE OR FOR
AGRICULTURAL PURPOSES
AND POWER ~~CERTAIN~~ FARM EQUIPMENT

This is to certify that the items identified below, purchased on or after _____ (date) from _____ (Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

() Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.

() Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

() Generators purchased, rented, or leased for exclusive use on a poultry farm.

() Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in Section ~~§~~ 212.08(5)(a), F.S.

() Nets, and parts used in the repair of nets, purchased by commercial fisheries.

() Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

() Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

~~() Seeds, including field and garden seeds and flower seeds.~~

() ~~Seedlings, Seeds, seedlings,~~ cuttings, and plants used to produce food for human consumption.

() Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

() Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

() Liquefied gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

() Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

() Power farm ~~Self-propelled, power drawn, or power-driven~~ equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in Section 5 ~~570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products;~~ ~~taxable at the rate of 2.5 percent.~~

() Other (include description and statutory citation):

I understand that if I use the item for any purpose other than the one I stated, then I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling (800)352-3671 ~~1-800-352-3671~~.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Representative _____

Sales and Use Tax Certificate ~~of Registration~~ No. (if applicable) _____

By _____

(Signature of Purchaser or Authorized Representative)

Title _____

(Title – only if purchased by an authorized representative of a business entity)

Date _____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c),(30),(31),(32),(33),(34), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3),(5)(a),(e), 212.085 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, _____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE:

Exemption of Property of Widows,

Widowers, Blind Persons, and Persons

Totally and Permanently Disabled;

Disabled Veterans, Spouses

RULE NO.:

12D-7.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to implement the provisions of Chapter 2005-42, Laws of Florida, which provides that the unremarried spouse of a deceased veteran is entitled to the \$5,000 veterans disability exemption under Section 196.24, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: \$5,000 disability exemption allowed for the spouse of a deceased veteran.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., Friday, August 26, 2005

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled veterans shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unremarried surviving spouse of a disabled veteran who was married to the veteran for at least 5 years at the time of the veteran's death is allowed the exemption.

(b) The exemptions under Sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, _____.

DEPARTMENT OF REVENUE**Property Tax Administration Program****RULE TITLES:****RULE NOS.:**

Assessment of Changes, Additions, or
Improvements to a Homestead

12D-8.0063

Procedure for the Correction of Errors
by Property Appraisers

12D-8.021

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2005-268, Laws of Florida, which provides for assessment of changes, additions, or improvements to homestead property rendered uninhabitable by a named 2004 storm and to clarify the example for calculation of the replacement just value in excess of 125 percent of property damaged or destroyed by misfortune or calamity.

The purpose of the proposed amendment to Rule 12D-8.021, F.A.C., is to clarify the procedures for corrections of errors by property appraisers that increase assessed valuation and subsequently taxes.

SUBJECT AREA TO BE ADDRESSED: Assessment of property damaged or destroyed by misfortune or calamity and the 2004 named storms. Corrections of errors resulting in increased assessed valuation of property.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: Chapter 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., Friday, August 26, 2005

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3)(a) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) In lieu of the formula in paragraph (a) and subsection (4), changes, additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms is limited to the square footage exceeding 110 percent of the homestead property's total square footage. Such homestead properties with 1350 or less square feet which are rebuilt up to 1500 square feet are not considered changes, additions or improvements subject to assessment at just value. This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See Chapter 2005-268, Laws of Florida.

(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:

(a) Determine the just value of the total homestead property prior to damage or destruction.

Example: Just value = \$100,000 and assessed value = \$80,000;

(b) Attribute a just value to the damaged or destroyed portion of the homestead property.

Example: \$10,000 (the just value of the remaining property including land is \$90,000);

(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.

Example: \$10,000 x 125 percent = \$12,500;

(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.

Example: \$120,000;

(e) Determine the just value of the replaced portion of the property.

Example: \$120,000 – \$90,000 = \$30,000; then

(f) Subtract the amount computed under paragraph (c) from the amount determined under paragraph (e).

Example: \$30,000 – \$12,500 = \$17,500.

This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).

Example: \$80,000 + \$2,248 (\$80,000 x 2.81 percent consumer price index (CPI), assessment limitation change) + \$17,500 = \$99,748.

(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 213.05 FS. History—New 12-27-94, Amended 12-25-96, _____.

12D-8.021 Procedure for the Correction of Errors by Property Appraisers.

(1) through (6) No change.

(7) Except when a property owner consents to an increase, as provided in paragraph (10)(a), the correction of any error that will increase the assessed valuation, and subsequently the taxes, shall be presented to the property owner with a notice of proposed property taxes mailed or delivered to the property owner, which notice includes notice of the right of the property owner to petition the value adjustment board value adjustment board for approval, provided it has not adjourned. Any error that will increase the assessed valuation and taxes shall be certified by the official correcting the error. ~~The certification of the official correcting the error shall be attached to Form DR 409 and presented to the value adjustment board which shall have final approval authority for the correction of such errors and, unless approved, no correction shall be made to the tax roll.~~

(8) through (9) No change.

(10) If the value adjustment board has adjourned, the property owner shall be afforded the following options when an error has been made which, when corrected, will have the effect of increasing the assessed valuation and subsequently the taxes. The options are:

(a) The property owner by waiver may consent to the increase in assessed valuation and subsequently the taxes by stating that he does not desire to present a petition to the value adjustment board and that he desires to pay the taxes on the current tax roll. If the property owner makes such a waiver, the property appraiser shall advise the tax collector who shall proceed under rule subsection 12D-13.006(6), F.A.C.

(b) The property owner may refuse to waive the right to petition the value adjustment board at which time the property appraiser shall notify the proper owner and tax collector that the correction shall be placed on the current ~~subsequent~~ year's

tax roll and also at such time as the subsequent year's tax roll is prepared, the property owner shall have the right to file a petition contesting the corrected assessment.

(c) If the value adjustment board has adjourned for the year or the time for filing petitions has elapsed, a back assessment shall be considered made within the calendar year if, prior to the end of the calendar year, a signed Form DR-409, certificate of correction (incorporated by reference in Rule 12D-16.002, F.A.C.) or a supplemental assessment roll is tendered to the tax collector and a notice of proposed property taxes with notice of the right to petition the next scheduled value adjustment board is mailed or delivered to the property owner.

(11) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS. History—New 12-7-76, Formerly 12D-8.21, Amended 12-10-92, 12-27-94, 12-25-96, 12-31-98, _____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE:

RULE NO.:

Printing and Posting of Tax Roll by Data

Processing Methods, Delivery of Tax Roll
to Tax Collector and Clerk of Court,
Destruction of Tax Rolls, and Microfilm
or Microfiche of Tax Rolls

12D-13.015

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 13.015, F.A.C., is to clarify that microfilm and microfiche includes storage of tax rolls in digital format.

SUBJECT AREA TO BE ADDRESSED: Tax rolls storage medium.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., Friday, August 26, 2005

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.015 Printing and Posting of Tax Roll by Data Processing Methods, Delivery of Tax Roll to Tax Collector and Clerk of Court, Destruction of Tax Rolls, and Microfilm or Microfiching of Tax Rolls.

(1) In those counties having the capacity to print tax rolls on microfiche or microfilm the property appraiser may print the tax roll on hard copy, microfilm, or microfiche and shall certify the same to the tax collector, value adjustment board, Board of County Commissioners, any taxing district, and any municipality. It shall only be necessary to certify to taxing districts and municipalities that part of the tax roll that pertains to each taxing district and municipality. It shall not be necessary for the property appraiser to furnish hard copies of the tax roll to any officer or taxing authority if copies of the tax roll are available on either microfilm or microfiche unless the officer or taxing authority does not have the necessary equipment or machinery to review microfilm or microfiche copies of the tax roll and to purchase such items would cause an unnecessary hardship on the officer or taxing authority. In such case, the property appraiser shall print a hard copy of the tax roll at the request of the officer or taxing authority. If the property appraiser intends to print the tax roll on microfilm or microfiche and no hard copies will be printed, then he or she shall notify the officer or taxing authority. For purposes of this rule, microfilm and microfiche includes storage in digital electronic format. The clerk of the court shall accept whatever copy of the tax roll is certified by the property appraiser to the tax collector.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS. History—New 6-18-85, Formerly 12D-13.15, Amended.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: Index to Forms RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms creations/revisions created in Chapters 2005-42 and 2005-157, Laws of Florida, and incorporate other technical changes made to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222,

197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 10:30 a.m., Friday, August 26, 2005

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. <u>12/05</u> 12/04)	<u>12/04</u>
(3) through (8) No change.		
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. <u>12/05</u> 12/03)	<u>1/04</u>
(b) through (15) No change.		
(16)(a) DR-453	Notice of Tax Lien for Homestead Exemption and/or Limitation Exclusion (r. <u>12/05</u> 6/96)	<u>12/96</u>
(b) through (38) No change.		

(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. <u>12/05</u> 12/03)	<u> </u>	1/04
(b) through (56)(a)	No change.		
(b) DR-570WF	<u>Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>	<u> </u>	
(c)(b) DR-571	Notice of Disapproval of Application for Homestead Tax Deferral (r. 6/91)		6/91
(d) DR-571WF	<u>Notice of Disapproval of Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>	<u> </u>	
(57)(a)	No change.		
(b) DR-572WF	<u>Petition to Value Adjustment Board Recreational and Commercial Working Waterfronts (n. 12/05)</u>	<u> </u>	
(c)(b) DR-584	Tax Collectors Budget Schedule (r. 2/94)		12/94
(d)(e) DR-585	Minimum Standards Contract (n. 8/77)		8/77
(58) through (61)	No change.		

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Incorporation by Reference 14-15
RULE TITLE: RULE NO.:
Toll Facilities Description and
Toll Rate Schedule 14-15.0081

PURPOSE AND EFFECT: The purpose of this Notice of Rule Development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule resulting from a proposed toll rate increase for Alligator Alley in Collier and Broward Counties. The proposed increase will enable additional revenues to be collected and

used to fund various improvement projects. In addition, the SunPass® Electronic Toll Collection System Frequent User Toll Discount Pilot Project, pursuant to the amendment to Rule 14-15.0081, F.A.C., on July 29, 1998, has been completed, and the toll discount program will be discontinued. The toll rate increase has a proposed effective date of January 8, 2006.

The public will benefit from these additional revenues in that under the Florida Intrastate Highway System and Toll Facilities Law (Sections 338.165, Florida Statutes), the Department shall use these funds for repairing, maintaining and operating the Department facilities in the counties they are located and for supporting the issuance of Revenue Bonds to pay the cost of other Department projects to the benefit of the motorist.

SUBJECT AREA TO BE ADDRESSED: As listed below, Toll Rate Rule Development Workshops have been scheduled to inform the public of the proposed toll rate increase and provide the public an opportunity to discuss the proposed toll rate increase.

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

LAW IMPLEMENTED: 338.165, 338.155 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., September 28, 2005
PLACE: City of Davie Police Station Public Meeting Room, 1230 South Nob Hill Road, Davie, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., September 29, 2005
PLACE: Naples Airport Conference Room, 200 Aviation Drive North, Naples, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, and January 8, 2006, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this

Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

PROPOSED EFFECTIVE DATE: January 8, 2006.

Specific Authority 334.044(2), 338.155(1) F.S. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 1-8-06.

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."

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: CE Forms 1, 6, 1F, and 6F will be effected by this rulemaking.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., September 1, 2005

PLACE: Room 412, The Knott Building, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Commission on Ethics, (850)488-7864

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES:	RULE NOS.:
Definitions	59A-29.001
Certification Criteria	59A-29.002
Certification Approval and Denial Process	59A-29.003

Insurer Responsibilities	59A-29.009
Health Care Provider Responsibilities	59A-29.010
Agency Responsibilities	59A-29.012

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing a workshop to amend Rules 59A-29.001, 59A-29.002, 59A-29.003, 59A-29.009, 59A-29.010 and 59A-29.012, F.A.C., to implement Sections 440.13(3) and 440.13(13), F.S.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Health Care Provider (HCP) certification. These proposed changes will specify: (a) Clarification of the definition of certification; (b) Identification of certification criteria and quality indicators; (c) Establishment of the HCP certification application, requirements for submission and processing of an application for Health Care Provider certification; (d) Identification of the performance requirements for the HCP, Insurer and Agency responsibilities related to Health Care Provider certification and maintenance of the certified health care provider list.

SPECIFIC AUTHORITY: 440.13(3), 440.591 FS.

LAW IMPLEMENTED: 440.13(3), 440.13(13) 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: Cathyann Dufford, Registered Nurse Consultant, Bureau of Managed Health Care, Agency for Health Care Administration, (850)410-0821

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES:	RULE NOS.:
Definitions	59A-30.002
Certification Criteria	59A-30.003
Application for Certification	59A-30.004
Selection and Assignment	59A-30.005
Temporary Expert Medical Advisors	59A-30.006
Expert Medical Advisor Responsibilities	59A-30.007
Billing and Reimbursement for Services	59A-30.008
Recertification	59A-30.009
Decertification	59A-30.010

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing a workshop to amend Rules 59A-30.002, 59A-30.003, 59A-30.004, 59A-30.005, 59A-30.006, 59A-30.007, 59A-30.008, 59A-30.009 and 59A-30.010, F.A.C., to implement Section 440.13(9), F.S.

SUBJECT AREA TO BE ADDRESSED: Expert Medical Advisor (EMA) certification. These proposed changes will specify: (a) Clarification of the definition of an EMA and board certification; (b) Identification of certification criteria and quality indicators; (c) Establishment of the EMA certification application and requirements to submit an application for EMA certification with required documentation; (d) Establishment of the certified or temporary EMA selection and assignment process; (f) Performance requirements for EMA; (g) Define billing requirements and reimbursement for services rendered as an EMA; and (h) Establish requirements and conditions for recertification or decertification.

SPECIFIC AUTHORITY: 440.13(9), 440.591 FS.

LAW IMPLEMENTED: 440.13(9) 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: Welby Cox-Myers, Registered Nurse Consultant, Bureau of Managed Health Care, Agency for Health Care Administration, (850)410-1730

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE TITLE: Grant and Loan Program for Medium and Rural Counties

RULE NO.:

60DD-1.003

PURPOSE AND EFFECT: The Board proposes a new rule to implement Chapter 2005-171, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The new rule provides for grants and loans to medium and rural counties to upgrade E911 systems.

SPECIFIC AUTHORITY: 365.172(5), 365.172(6)(a)3. FS.

LAW IMPLEMENTED: 365.172(6)(a)3. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Chair, State of Florida Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
General Definitions	61D-2.001
Wagering Prohibitions	61D-2.004
Violations	61D-2.005
Electrical or Mechanical Device Prohibition	61D-2.006
Pre-meet Report Required	61D-2.008
Ineligible or Disqualified Jai Alai Player or Racing Animal	61D-2.009
Photofinish Camera and Video	
Tape Requirement	61D-2.010
Post Position Drawing Requirement	61D-2.011
Racing Animal Identification	61D-2.012
Altered Identification Exclusion	61D-2.016
Pooling of Prize Money in Jai Alai Prohibited	61D-2.018
Inspection of Kennels and Stables	61D-2.022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of races at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are changes in definition of terms as used in pari-mutuel rules, eligibility requirements for racing animals due to owners license status, to amend and provide a new section regarding pre-race draw and limitations on the number of entries from the same kennel and to amend requirements regarding the duties of the paddock judge or horse identifier and requiring that inspections of kennels and stables to be reported on appropriate forms.

SPECIFIC AUTHORITY: 550.01215(4), 550.0251(2),(3),(5), (6),(9),(11), 550.0351(8), 550.054(5), (8)(b), 550.105(2)(c), (4)(b),(d),(5),(9), 550.125(2)(b), 550.155(1), 550.1815(5), 550.2415(13), 550.2614(4), 550.2625(2)(d), 550.3551(10), (11), 550.3615(5), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.0951(4), 550.09514, 550.105, 550.1155, 550.125, 550.155, 550.1645, 550.1815, 550.235, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Hearings Before Stewards/Judges	61D-3.001
Appeal Hearing Procedures	61D-3.002
Stay of Steward/Judges' Penalty	61D-3.003
Payment of Fines	61D-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the conduct of proceedings before the judges and stewards officiating races at pari-mutuel facilities and procedures related to appeals of orders of judges and stewards.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments requiring notice to be provided to owners of animals in cases where a purse may be redistributed, amendments to procedures and forms in requesting an appeal of a judges' or stewards' ruling, procedures regarding the payment of fines and obtaining a stay pending an appeal.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.0251(3), 550.054(9)(b), 550.1155, 550.1155(1),(2), 550.2415(7) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech

impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Cost of Investigation	61D-4.001
Evaluating a Permit Application for a Pari-Mutuel Facility	61D-4.002
Application for Lease Addendum to Permit	61D-4.003
Application for Annual Racing License	61D-4.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms for applications for pari-mutuel permits, leasing of facilities and annual racing licenses.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are revisions to forms and rules regarding the investigation of an applicant for a permit to conduct pari-mutuel wagering and for authorization to lease premises for the conduct of pari-mutuel wagering. The provisions also add a new rule to formalize the use of the form under which pari-mutuel permitholders apply for annual racing licenses.

SPECIFIC AUTHORITY: 550.0251(3), 550.105(1),(2),(5),(9) FS.

LAW IMPLEMENTED 550.0251, 550.105 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Occupational Licensure	61D-5.001
Possession of a License	61D-5.002
Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting	61D-5.003
Temporary Occupational Licenses	61D-5.004
Exemptions to Occupational Licensing Requirements	61D-5.005
Waiver of Criminal Convictions or Other Offenses	61D-5.006
Basis for Denial or Cancellation of License	61D-5.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the forms for the application for a pari-mutuel license and regulations regarding use of a pari-mutuel license.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are revisions to forms for applications for pari-mutuel occupational licenses and incorporation of those forms within the rules, amendments regarding the requirements for display of licenses and revisions of rules to conform to current statutory classification of licenses, providing for persons over 70 years of age to obtain background information checks from FDLE, amendments to rules implementing provisions related to temporary licenses, requiring permitholder security to maintain a list of unlicensed employees working in restricted areas, and revisions related to forms for the application of a waiver of criminal convictions and the cancellation of voluntarily relinquished licenses.

SPECIFIC AUTHORITY: 550.0251(3), 550.105(1),(2),(5),(9) FS.

LAW IMPLEMENTED 550.0251, 550.105 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
General Duties and Responsibilities	61D-6.002
Prohibited Devices, Medications, and Procedures; Exceptions	61D-6.004
Procedures Relating to Split Samples	61D-6.006
Permitted Medications for	
Racing Greyhounds	61D-6.007
Veterinarians	61D-6.009
Penalty Guidelines for Class I-V	
Drug Violations	61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms and procedures related to the use of medication in racing animals.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are references to forms that are being incorporated in the rules. Some forms are being revised and a new form is being created for the identification of the trainer of record. Rules regarding notice of positive tests that may result in purse redistribution to owners are being deleted so they may be moved to rules regarding procedures for stewards' and judges' hearings.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.155(1), 550.2415(5),(8),(9),(13),(14),(16) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155, 550.155, 550.235, 550.2415, 550.2415(14) FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-7.001
Calculation of Payout and Distribution of Pools – General	61D-7.002
Pick (N) Pools	61D-7.014
Trifecta and Superfecta Combinations	61D-7.015
Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements	61D-7.021
Outs Cashed After the End of the Meet	61D-7.022
Reporting of Wagering Activities, Permitholder and Totalisator Reports	61D-7.023
Totalisator Requirements	61D-7.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of pari-mutuel wagering activity on pools and totalisator reports.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4),(5), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495, 550.6305 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Admissions Requirements	61D-8.001
Financial Reporting Requirements	61D-8.002
Reporting Requirements for Charity/Scholarship Performances	61D-8.003
Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting	61D-8.004
Purses and Florida Owners' Awards, Horse Racing	61D-8.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting requirements for taxes and takeout on pari-mutuel wagering.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel taxes and takeout.

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.0351(8), 550.0951(2), 550.125(2)(b), 550.155(1), 550.2614(1),(2), (3),(4), 550.2625(2)(d), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.0351, 550.0951, 550.0951(5), 550.125, 550.155, 550.1647, 550.1648, 550.2614, 550.2625(2), 550.3551, 550.615, 550.625, 550.6305, 550.655 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Interstate and Intertrack Broadcasts	61D-9.001
Interstate and Intertrack Broadcasts – Emergency Procedures	61D-9.003
Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities	61D-9.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of interstate (simulcast) and intertrack wagering activities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel interstate (simulcast) and intertrack wagering.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.155(1), 550.125(2)(b), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.155, 550.125, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at

least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:	RULE NO.:
Incorporated and Approved Forms	61D-10.001
PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted at a pari-mutuel wagering facility.	

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is renumbering and revisions to all forms utilized by the division in its rules regulating pari-mutuel wagering.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.01215(4), 550.0251(2),(3),(5),(6), 550.0351(8), 550.054(5),(8)(b), 550.105(1),(2)(c), (4)(b),(d),(5),(9), 550.125(2)(b),(3)(a), 550.155(1), 550.1815(5), 550.2415(2),(3)(b),(5)(a),(b),(6)(b), (8)(a),(b),(c),(e),(9)(b),(c),(13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Cardroom Games	61D-11.002
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012
Chips and Tokens	61D-11.015
Admissions Requirements	61D-11.017
Reporting Requirements to Determine Net Proceeds	61D-11.018
Tournaments	61D-11.027

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting on the operation of cardrooms by pari-mutuel permitholders who possess a cardroom license issued by the division.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to conform with recent legislation allowing for the relocation of a cardroom in certain circumstances and for the rules to appropriately reference revised forms for reporting of cardroom activity.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4),(5),(6), (8),(11),(13) FS.

LAW IMPLEMENTED 849.086 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:	RULE NO.:
Incorporated and Approved Forms	61D-12.001
PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted in licensed cardrooms operated by a pari-mutuel wagering permitholder.	
SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is renumbering and revisions to all forms utilized by the division in its rules regulating cardroom activities.	
SPECIFIC AUTHORITY: 550.0251(12), 849.086(4),(5),(6), (7),(9),(11),(13),(16),(17) FS.	
LAW IMPLEMENTED 849.086 FS.	
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:	
TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005	
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399	
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).	

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted in licensed cardrooms operated by a pari-mutuel wagering permitholder.

LAW IMPLEMENTED 849.086 FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., August 29, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE: RULE NO.:

General Requirements 64B8-45.001

PURPOSE AND EFFECT: This rule is being amended to clarify continuing education requirements approved by any Board of the MQA of the Department of Health and to clarify home study requirements.

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 456.013(7),(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(7),(8), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal all licensees shall complete a minimum of thirty ~~contact~~ hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten (10) hours may be in management, risk management, personal growth, and educational techniques. Up to fifteen (15) hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One ~~contact~~ hour of continuing education equals a minimum of fifty minutes of instruction. Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health are approved continuing education, provided that such courses enhance skills and knowledge necessary to the safe and competent practice of dietetics and nutrition.

(2) Home study education is independent study and requires a certificate of completion. Web based, satellite transmitted, video or audio transmitted or on line instruction programs that allow or require the licensee to interact or communicate back and forth with the instructor during the presentation of the program are not considered home study education, but can be counted as continuing education.

(2) through (6) renumbered (3) through (7) No change.

Specific Authority 456.013(7),(8), 468.507 FS. Law Implemented 456.013(7),(8), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03, _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Medical Consultations by Non-Department Providers 33-401.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification as to the responsibility for payment of costs to have inmates examined by non-department medical providers.

SUMMARY: The proposed rule provides that costs of outside consultations shall be the responsibility of the requestor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.091 FS.

LAW IMPLEMENTED: 944.09, 945.091 FS.

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

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