

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 **RULE TITLE:** State Building Code Adopted

PURPOSE AND EFFECT: To implement § 10 of Chapter 2007-1, Laws of Florida, repealing the alternative wind borne protection provisions, allowing design for internal pressure and the specific provisions applying to areas of the state from Franklin County west.

SUBJECT AREA TO BE ADDRESSED: Wind borne debris protection for construction in the State outside of Miami-Dade and Broward Counties.

SPECIFIC AUTHORITY: 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE FLORIDA BUILDING COMMISSION FOUND, BY UNANIMOUS VOTE AT ITS MEETING ON FEBRUARY 7, 2007, THAT A WORKSHOP WAS UNNECESSARY BASED UPON THE EXPLICIT DIRECTION OF THE LEGISLATURE IN SECTION 10, CHAPTER 2007-1, LAWS OF FLORIDA AND THE RESULTING LIMITATION UPON COMMISSION ACTION. THAT ACTION IS MEMORIALIZED, IN WRITING, IN THE MINUTES OF THE MEETING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-6.001	Scope; Definitions; Index Price
12B-6.0015	Imposition of the Gross Receipts Tax
12B-6.0021	Registration
12B-6.005	Payment of Tax; Reports; Public Use Forms

12B-6.0051	Public Service Tax Reporting Form
12B-6.008	Interest

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-6, F.A.C., Gross Receipts Tax, is to implement the provisions of Sections 203.01 and 203.012, F.S., as amended by Sections 1 and 2, Chapter 2005-148, L.O.F., which, effective January 1, 2006, imposes a tax on utility services delivered to a retail consumer in Florida. When adopted, these proposed changes to Rule Chapter 12B-6, F.A.C., will provide guidelines regarding the Department’s administration of the gross receipts tax imposed by Chapter 203, F.S., as amended by Chapter 2005-148, L.O.F.

The purpose of the substantial rewording of Rule 12B-6.001, F.A.C., is to: (1) change the title to “Scope; Definitions; Index Price”; (2) provide that the rule chapter applies to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (3) define the terms “cost price,” “Department,” “distribution company,” “electricity index price,” “gas index price,” “gross receipts,” “person,” and “utility services” for purposes of the rule chapter; (4) provide that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (5) provide how the Department will announce the annual index prices for electricity and for natural and manufactured gas; (6) provide that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself; and (7) when the calculation of the tax requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure.

The purpose of the proposed creation of new Rule 12B-6.0015, F.A.C. (Imposition of the Gross Receipts Tax), is to: (1) provide that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) provide how the tax is computed based on the index price; (3) provide that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax and provide guidelines on how to document such sales or charges; (4) provide that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and provide guidelines on how to document such sales or charges; (5) provide that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and explain how the tax is to be calculated; (6) provide that the tax does not apply to receipts from customers for purposes of resale; (7) provide that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are

not subject to tax; (8) provide that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) provide that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) provide guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) provide that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) provide that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) provide that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and provide guidelines on how to document such sale or delivery; (14) provide that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity are not subject to tax; (15) provide guidelines regarding any separately itemized charge for gross receipts tax on a customer's bill, invoice, statement, or other evidence of sale; (16) provide guidelines on the imposition of use tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) provide guidelines on how to document sales of utility services for purposes of resale; and (18) provide recordkeeping requirements for taxpayers who sell or deliver utility services. The purpose of the proposed amendments to Rule 12B-6.0021, F.A.C. (Registration), is to provide that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department.

The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to: (1) replace the term "utility provider" with the term "taxpayer"; (2) provide guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; (3) remove obsolete provisions regarding the filing of an application for refund; (4) provide that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such list on a publicly-accessible Internet web site; and (5) update information on how to obtain Form DR-133, Gross Receipts Tax Return, from the Department.

The purpose of the proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Form), is to update information on how to obtain Form DR-700001, Municipal Public Service Tax Data Base, from the Department.

The purpose of the proposed amendments to Rule 12B-6.008, F.A.C. (Interest), is to provide that interest shall not exceed one percent per month and to remove obsolete provisions regarding interest for payments due prior to January 1, 2000.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed guidelines regarding the gross receipts tax imposed on utility services by Chapter 203, F.S., as amended, by Chapter 2005-148, L.O.F., and effective January 1, 2006.

SPECIFIC AUTHORITY: 166.233, 203.01(3)(a)2., 213.06(1) FS.

LAW IMPLEMENTED: 166.233, 203.01, 203.06, 203.012, 213.235, 213.255(1), (2), (3), 213.37, 215.26 FS.

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

DATE AND TIME: March 15, 2007, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12B-6.001 follows. See Florida Administrative Code for present text.)

12B-6.001 ~~Scope; Definitions; Index Price Imposition of the Gross Receipts Tax.~~

(1) SCOPE. This rule chapter applies to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida.

(2) DEFINITIONS. For purposes of this rule chapter:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas.

The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) “Department” means the Florida Department of Revenue.

(d) “Electricity index price” means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) “Gas index price” means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) “Gross receipts” means the total payments received in money, goods, services, or other consideration.

(g) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) “Utility services” means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term “utility services” does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department’s Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company’s gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to their existing rate structure.

Specific Authority ~~203.01(3)(b)~~, 213.06(1) FS. Law Implemented 203.01, 203.012, ~~213.37~~ FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, 5-4-03, _____.

12B-6.0015 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies’ gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: $(\text{number of cubic feet of gas sold or transported}) \div 1,000 \times (\text{the applicable gas index price}) \times (2.5 \text{ percent})$.

(b) The tax imposed in paragraph (1)(a) does not apply to:

1. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale.

2. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity. Distribution companies may document this exclusion from tax by obtaining a certification from public or private utilities that purchase transportation of natural or manufactured gas for use as a fuel in the generation of electricity. The following is a suggested format of a certification to be issued by a public or private utility to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED FOR USE AS FUEL TO GENERATE ELECTRICITY

This is to certify that I have purchased natural or manufactured gas for use as a fuel in the generation of electricity.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name (Print or Type) Date

Signature of Authorized Person Title

Federal Employer Identification Number (FEI No.)

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts. The Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of a certification to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED BY A PERSON ELIGIBLE FOR EXEMPTION UNDER INDUSTRIAL CLASSIFICATIONS IN SECTION 212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), Florida Statutes, are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name (Print or Type) Date

Signature of Authorized Person Title

Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax imposed in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment.

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the

applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax imposed in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on

the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax imposed pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax levied pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material;

3. The use of natural gas or manufactured gas by a public or private utility as fuel in the generation of electricity; or

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

**RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON UTILITY SERVICES**

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____ (authorized signature)

Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

Specific Authority 203.01(3)(a)2., 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History--New _____.

12B-6.0021 Registration.

(1) Prior to engaging in the business of ~~providing or~~ selling, transporting, delivering, or importing utility services, as provided in Rule 12B-6.001, F.A.C., every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's Internet web site at the address shown inside the parentheses (~~www.myflorida.com/dor~~) using the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor; or

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

Specific Authority ~~203.01~~, 213.06(1) FS. Law Implemented 203.01 FS. History--New 6-5-85, Formerly 12B-6.021, Amended 5-4-03, _____.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are reported to the Department on Form DR-133, Gross Receipts Tax Return (R. 01/06, hereby incorporated by reference, effective _____) and are due to the Department on or before the last day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a taxpayer utility provider to avoid penalty and interest for late filing. When the last day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the last day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j)(~~f~~), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(c) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

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

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

3. No tax is due with a return for reporting tax.

(d)1. ~~For taxes levied pursuant to paragraph (2)(a) of Rule 12B-6.0015, F.A.C., the A taxpayer may elect to pay the gross receipts tax on total billings for electricity utility services for each month or on the actual gross receipts for electricity utility services received in that month.~~

2. When the ~~taxpayer utility provider~~ elects to pay gross receipts tax on total billings for ~~electricity utility services~~, the ~~taxpayer provider~~ may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the ~~taxpayer provider~~ may seek a refund of tax previously paid by filing an Application for Refund (~~Form form~~ DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4.a. ~~Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid. Credits for tax paid on or after October 1, 1994, and prior to July 1, 1999, must be reported on the provider's return within 5 years after the date the tax was paid.~~

4.b. ~~Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid. Credits for tax paid on or after July 1, 1999, must be reported on the provider's return within 3 years after the date the tax was paid.~~

(e) Copies of Form DR-133, Gross Receipts Tax Return, are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide

the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

~~(2)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.~~

~~(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Form Number	Title	Effective Date
(3) DR-133	Gross Receipts Tax Return (R-06/04)	09/04

~~Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.012, 213.255(1), (2), (3), 213.37, 215.26 FS. History--New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, 9-28-04,_____.~~

12B-6.0051 Public Service Tax Reporting Form.

(1)(a) The public-use form provided in this rule is to be utilized by each municipality or charter county to report to the Department services taxed under Sections 166.231 and 166.232, F.S., and to report any other required information. The public-use form is employed by the Department for this purpose, and it is hereby incorporated in this rule by reference.

(b) Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~2) faxing the Distribution Center at (850)922-2208; or, 3) using a~~

~~fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Departments Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-700001	Municipal Public Service Tax Database Report (R. 10/01)	05/03

Specific Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History--New 4-5-98, Amended 5-4-03,_____.

12B-6.008 Interest.

~~(1) Interest shall accrue at the following rate:~~

~~(a) One percent per month (prorated dialing using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~(b) For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily), not to exceed one percent per month.~~

~~(2) Interest accrues from the date of the delinquency until paid.~~

Specific Authority 213.06(1) FS. Law Implemented 203.06, 213.235 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89, 4-2-00, 5-4-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.003
 RULE TITLE: Range of Disciplinary Actions
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to renumber the offense of excessive absenteeism and impose a range of penalties to include written reprimand, up to 30 days of suspension or dismissal.
 SUBJECT AREA TO BE ADDRESSED: Employee disciplinary actions.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 944.09, 944.14, 944.34, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Career Service Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand or up to 10 days Suspension	Written Reprimand or up to Dismissal	Up to 30 days Suspension	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(5)(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(6)(7) Absence Without Authorized Leave	Same	Same	Same	Same
(7)(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(8)(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(9)(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(10)(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(11)(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(12)(13) Negligence	Same	Same		
(13)(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(14)(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(15*)(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(16*)(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this

state to recognize alcoholism as a disease. The Career Service Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(17)(48) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(18) Excessive Absenteeism	Same	Same
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment or Property	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same

Specific Authority ~~20.315, 944.09, 945.21~~ FS. Law Implemented 944.09, 944.14, ~~944.34~~, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, ~~945.14, 945.15, 945.21~~ FS. History--New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended

Water Management District and Florida Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments will address items incorporated by reference and will update all relevant terminology.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.171, 373.415, 373.421, 373.461 FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421, 373.426, 373.461 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.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-400.091
RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code, to adopt the most current version of the item incorporated by reference. The effect of the proposed rule amendments will incorporate by reference a revised Operating Agreement between the Suwannee River

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
 40E-63.432 Permit Modifications, Transfers and Renewals

40E-63.434 Permit Duration

PURPOSE AND EFFECT: Pursuant to paragraph 40E-63.460(3)(d), F.A.C., the South Florida Water Management District is required to revise Part IV of Chapter 40E-63 to ensure that the objectives of the Everglades Forever Act, Section 373.4592(4)(f)5., F.S., are met when the C-139 Basin is found to be out of compliance for a fourth time. To allow time for the District to revise these rules, it is necessary to extend the duration of the existing permits issued under Part IV of Chapter 40E-63, F.A.C., until such time as the new rules and criteria are adopted and effective.

SUBJECT AREA TO BE ADDRESSED: Duration of permits issued in the C-139 Basin under Part IV of Chapter 40E-63, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS.

LAW IMPLEMENTED: 373.085, 373.4592 FS.

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

DATE AND TIME: March 14, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: South Florida Water Management District Headquarters, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk’s Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jose Gomez, Staff Engineer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 2718 or (561)682-2718, email: jgomez@sfwmd.gov. For procedural issues: Joyce Rader,

Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6259, or (561)682-6259, email: jrader@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) through (2) No change.

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) No change.

~~(b) Permit renewals will be effective for 5 years from the date of issuance.~~

~~(b)(c)~~ When timely application is made for a modification or renewal, the existing permit shall not expire until final agency action is taken by the District on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order, or until any resulting legal proceedings are completed.

~~(c)(d)~~ If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

(4) No change.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History–New 1-24-02, Amended.

40E-63.434 Permit Duration.

Pursuant to the EFA, Section 373.4592(4)(f)2., F.S., new permits or permit renewals issued pursuant to this Part are valid for a 5-year term, unless:

(1) through (3) No change.

(4) A permit application for a new permit or a permit renewal has been filed by a permittee on a timely basis prior to the expiration date of a previously-issued permit, and the District has not completed review of the application, in which case the previously-issued permit will remain effective until final agency action is taken by the District on the application; or:

(5)(a) The District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., prior to the expiration of previously-issued permits.

(b) If the District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., by publishing a Notice of Rule Development as required by Section 120.54(2)(a), F.S., the expiration dates of existing permits under this Part shall be extended automatically for an initial 1 year term. If, after the 1 year term, the revised rules are not effective, existing permits shall be extended automatically for 6 month terms until such

time as the revised rules are effective. Once the revised rules are effective, the permit expiration date shall be 90 days from that effective date.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History--New 1-24-02, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.002 Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 2007. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 2007 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Wednesday, March 14, 2007, 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule. Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2007 2006, errata January 2006, updated July 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric,

outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
61J1-3.004 Issuance of Registration or Certification

PURPOSE AND EFFECT: To establish standards for the issuance of certification.

SUBJECT AREA TO BE ADDRESSED: Issuance of Certification.

SPECIFIC AUTHORITY: 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas O'Bryant, 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:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C. that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education

criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History—New

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-610.100	Scope, Intent, Purpose, and Applicability
62-610.200	Definitions
62-610.300	General Technical Guidance, Related Rules, and Forms
62-610.419	Application/Distribution Systems and Cross-Connection Control
62-610.451	Minimum System Size
62-610.471	Setback Distances
62-610.568	Monitoring and Operating Protocol
62-610.800	Permitting Requirements
62-610.870	Reporting and Enforcement

PURPOSE AND EFFECT: To ensure consistency with statutory requirements in Section 403.064, F.S., related to the linkage between reuse requirements in consumptive use permits and DEP permits. To encourage efficient and effective use of reclaimed water. To eliminate outdated rule references or requirements. To clarify and refine the reuse rules.

SUBJECT AREA TO BE ADDRESSED: Water Reuse.
SPECIFIC AUTHORITY: 403.051, 403.061, 403.064, 403.087, 403.0881 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088, 403.0881 FS.

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

DATE AND TIME: March 15, 2007, 9:30 a.m.

PLACE: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lauren Walker-Coleman, Water Reuse Specialist, Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us www.dep.state.fl.us/water/reuse

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lauren Walker-Coleman, Water Reuse Specialist, Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us, www.dep.state.fl.us/water/reuse

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-56.004	Other Requirements for Electrolysis Training Program Approval

PURPOSE AND EFFECT: The Council proposes the promulgation and adoption of the new rule to add language specifying that all instructors of the 320 hour electrology training course to have two years post licensure electrology experience.

SUBJECT AREA TO BE ADDRESSED: New requirements for electrolysis training program approval.

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 478.43(1),(4), 478.51(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: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.011 RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to refer to the correct and more applicable statute and to clarify that this rule applies to occupational therapists.

SUBJECT AREA TO BE ADDRESSED: Definition of supervised fieldwork experience.

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.010 RULE TITLE: Definition of Supervised Fieldwork Experience Requirements

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of the new rule to create a corresponding rule for occupational therapy assistants to clarify definition of fieldwork experience requirements for Section 468.209(1)(c), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Supervised fieldwork experience requirements.

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.204, 468.207, 468.209(c) 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-5.001 RULE TITLE: Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clear up discrepancy and confusion in applicability of requirements of Section 456.033, Florida Statutes for applicants certified in second half of biennium.

SUBJECT AREA TO BE ADDRESSED: License renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

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