

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: This rule amendment establishes a new grant program entitled Culture Builds Florida Grant Program, which implements the Division's 10-year strategic plan entitled "Culture Builds Florida's Future," and which will expand the reach of Florida's cultural programs to new audiences. Although this amendment eliminates the International Cultural Exchange Grant Program, international projects may continue to be funded under three other grant programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment establishes eligibility requirements, application procedure, and scoring criteria for this new program.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 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-.56, 265.601-.603, 265.605-.606, 265.608, 265.609 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: October 30, 2007, 11:00 a.m.
PLACE: Room 307, 3rd Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Morgan Lewis, Division of Cultural Affairs, (850)245-6470

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

Table with 2 columns: RULE NOS. and RULE TITLES. Includes entries for 5F-2.001, 5F-2.002, 5F-2.003, 5F-2.005, 5F-2.014, and 5F-2.016.

PURPOSE AND EFFECT: The purpose and effect of amending Rule 5F-2.001, F.A.C., is to:

- 1. adopt current editions of ASTM International fuel quality specification designations for gasoline, diesel fuels, kerosene, fuel oils, and various alternative fuels listed in Chapter 5F-2, Florida Administrative Code, so that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization;
2. add "end point" distillation requirements to alternative fuels to protect consumers from contaminated fuel;
3. define and include B99 with the existing B100 for use and specifications;
4. revise the vapor pressure requirements for certain alcohol modified fuels to allow more of these fuels to be marketed;
5. redefine the term and standards for biodiesel blends to include fuel oil as a blending agent to concur with general practices.

The purpose and effect of amending Rule 5F-2.002, F.A.C., is to provide disposition processes for certain substandard fuels in order to create a modified process for less severely contaminated fuels.

The purpose and effect of amending Rule 5F-2.003, F.A.C., is to update the labeling requirements of certain fuels to make Department rules in accord with new federal labeling requirements and to add a web address for certain Department forms, making them more accessible.

The purpose and effect of amending Rule 5F-2.005, F.A.C., is to allow an alternative method for dealing with improperly registering petroleum fuel measuring devices that have been repaired. This will increase the efficiency of Department personnel.

The purpose and effect of amending Rule 5F-2.014, F.A.C., is to:

1. add requirements to standards for petroleum fuel measuring devices to protect the consumer from fueling improperly or receiving short measure;
2. adopt the 2007 edition of National Institute of Standards and Technology (NIST) Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices in order to incorporate the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, F.A.C., is to update the penalty matrices to reflect the proposed changes in Chapter 5F-2, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Proposed rule Chapter 5F-2, F.A.C., will specify that the most recent editions of ASTM International standards for fuels and other vehicular fluids are to be accepted for implementation. Changes and additions regarding specifications and labeling of these products are also addressed. New requirements for petroleum measuring devices are addressed. Changes and/or updates for penalties for violations are addressed. The website to the Gasoline and Oil Inspection Affidavit form is added.

SPECIFIC AUTHORITY: 525.037, 525.07, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07, 525.14, 525.16, 526.01(1),(3), 531.40 FS.

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

DATE AND TIME: October 29, 2007, 9:00 a.m. EST

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

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 24 days before the workshop/meeting by contacting: Richard Kimsey, Environmental Administrator, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740. 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: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-06a ~~D 4814-04b~~^{e1}, "Standard Specification for Automotive Spark-Ignition Engine Fuel," with the following exception: Gasoline containing one through ten percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-06a ~~D 4814-04b~~^{e1}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International designation D 975-06b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 975-06b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

(a)1. Methanol, denatured ethanol, or other alcohols;

2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(b) Mixtures containing 85% by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, determined acceptable in the specifications for such mixtures as adopted in this section to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines;" with the following addition: All E85 Fuel Ethanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines;" with the following addition: All M85 Fuel Methanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% diesel fuel and 1% biodiesel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-06b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D396-04, "Standard Specification for Fuel Oils."

c.b. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-06b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-04, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-06a ~~D 4814-04b~~^{e†}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene."

(c) ASTM International D 975-06b ~~D 975-04e~~^{e†}, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-06 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(g) ASTM International D 5797-06 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(h) ASTM International designation D 6751-07 ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, _____.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser

shall be withheld from sale to the public until it has been brought up to the Antiknock Index standard. If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public.

(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0), but not more than three (3.0), above or below the posted ethanol content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately. No concentration shall be permitted to be less than one percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it meets the silver corrosion standard or is replaced with a suitable product that meets the silver corrosion standard.

(e) Gasoline not meeting specifications stated in ASTM International D 4814-06a ~~D 4814-04b~~^{e†}, "Standard Specification for Automotive Spark-Ignition Engine Fuel" for reasons other than those enumerated in paragraphs (1)(a), and (b), (c) or (d) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied, by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene" for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oils No. 2-D found below the flash point standard, but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. 1-D and No. 2-D found above the sulfur standard, but equal to or below 35 ppm sulfur shall not have an assessment levied, but shall be withheld from sale to the public until brought up to standard or relabeled appropriately.

~~(d)(e)~~ Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-06 ~~D-975-04e¹~~, “Standard Specification for Diesel Fuel Oils” and ASTM International D 396-06 ~~D-396-04~~, “Standard Specification for Fuel Oils”, respectively for reasons other than those enumerated in paragraphs (3)(a), ~~(b)~~ and or (c)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Biodiesel blends found to have a biodiesel content of more than two (2.0), but not more than five (5.0), above or below the posted biodiesel content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately.

~~(c)(b)~~ Alternative Fuels found below standard for reasons other than those enumerated in paragraph (4)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, _____.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us>.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

Grade Designation	Minimum
	Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors,

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

(a) For all ultra-low sulfur highway diesel fuel:

ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2007 and later highway diesel vehicles and engines.

Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:

LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For ultra-low sulfur ~~all~~ non-highway diesel fuel:

~~NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)~~

~~WARNING — Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.~~

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2011 and newer non-road diesel engines.

Recommended for use in all non-road, locomotive, and marine diesel engines.

WARNING – Federal law prohibits use in highway vehicles or engines.

(d) For low sulfur non-highway diesel fuel:

LOW SULFUR NON-HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in highway vehicles or engines.

(e) For high sulfur non-highway diesel fuel:

HIGH SULFUR NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)

WARNING – Federal law prohibits use in highway vehicles or engines.

May damage non-road diesel engines required to use low-sulfur or ultra-low sulfur diesel fuel.

(f) For all fuel (heating) oil:

WARNING – Federal law prohibits use in highway vehicles or engines, or in non-road, locomotive, or marine diesel engines. Its use may damage these diesel engines.

(7) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol” or other definitive equivalent statement on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and “contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% shall be identified as “E85 Fuel Ethanol.”

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% shall be identified as “M85 Fuel Methanol.”

(9) ~~All biodiesel or~~ biodiesel blends containing diesel fuel kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Biodiesel Blend (BXX),” where XX represents the volume percent biodiesel in the biodiesel blend; and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum). All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as “Biodiesel (BXX),” where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum). Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every dispenser that dispenses biodiesel, B99, or a biodiesel blend containing diesel fuel ~~dispenser dispensing fuel~~ with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL, CONSULT
WITH YOUR ENGINE
MANUFACTURER OR OWNER’S MANUAL BEFORE
USING THIS PRODUCT

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in (6) of this subsection, to indicate the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Bioheat (BHXX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that

has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR EQUIPMENT OR ENGINE MANUFACTURER OR OWNER'S MANUAL BEFORE USING THIS PRODUCT

~~(11)(10)~~ Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06,_____.

5F-2.005 Inaccurate Measuring Devices.

(1) For the purpose of Section 525.07, Florida Statutes, and this rule, the term “short measure” shall mean the overregistering of fuel by a petroleum fuel measuring device.

(2) If any petroleum fuel measuring device is found to be underregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the inspector shall give the operator or owner of the said device a reasonable time in writing to fix or adjust such device.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~and~~ or the ~~written~~ consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or ~~and~~ the ~~written~~ consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2007 2006 Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov>.

(2) Effective, July 1, 2008, each retail dispensing device from which diesel fuel, biodiesel, or a biodiesel blend containing diesel fuel is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

(3) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered with the Department as a meter mechanic and bears the name of the company or the name or initials of the registered meter mechanic.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06,_____.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

(a) The degree and extent of harm caused by the violation;

- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation.

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	475450 475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: > maximum but ≤11.5	November-March: 13.5* April-October: > 11.5	>
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		> maximum but < 20%	>20%
Ethanol	> 3.0 from displayed value		
Silver Corrosion			≥ 2 all violations

*Greater than 14.5 psi for gasoline blended with 1% to 10% ethanol by volume.

Diesel, Biodiesel Blends, Kerosene, Bioheat and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends, bioheat & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene, bioheat & fuel oils: 60-79	diesel, biodiesel blends, kerosene, bioheat & fuel oils: < 60
Distillation		diesel, biodiesel blends, kerosene, bioheat & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			≥35 ppm all violations
Sulfur (all other fuels)			all violations
Lubricity			all violations
Biodiesel and Bioheat, % volume	biodiesel blends: >20		
Biodiesel and Bioheat, % volume	blends: > 5 from displayed value		

*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40

CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100	\$250	\$500
Ethanol content	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content	all violations		
Vapor Pressure	all violations		
Sulfur	all violations		
Water content	all violations		
Distillation: End Point, °F	<475	476-500	>500

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.
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4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02, 6-1-06_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09432
 RULE TITLE: Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to review the assessment of English language learners to ensure consistency with other rules and governing statutes.

SUBJECT AREA TO BE ADDRESSED: Assessment.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

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

DATES AND TIMES: The time of the workshops has changed since they were advertised in the September 28, 2007, Florida Administrative Weekly.

October 24, 2007, 1:00 p.m. – 7:00 p.m.; October 25, 2007, 1:00 p.m. – 7:00 p.m.; October 26, 2007, 1:00 p.m. – 7:00 p.m.

PLACE: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0784
 RULE TITLE: Approval of Charter School Governance Training

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish procedures for the approval of charter school governance training submitted to the Department of Education by potential training providers. As all governing bodies of charter schools must participate in approved governance training, the effect will be consistency in the training to include but not be limited to government in the sunshine, conflicts of interest, ethics, and financial responsibility.

SUBJECT AREA TO BE ADDRESSED: Procedures for the approval of charter school governance training.

SPECIFIC AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(9)(k)4. 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: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0900	Programs for Limited English Proficient Students
6A-6.0901	Definitions Which Apply to Programs for Limited English Proficient Students
6A-6.0902	Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students
6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification
6A-6.0904	Equal Access to Appropriate Programming for Limited English Proficient Students
6A-6.0905	Requirements for the District Limited English Proficient Plan
6A-6.0906	Monitoring of Programs for Limited English Proficient Students
6A-6.0907	Inservice Requirements for Personnel of Limited English Proficient Students
6A-6.0908	Equal Access for Limited English Proficient Students to Programs Other Than ESOL
6A-6.0909	Exemptions Provided to Limited English Proficient Students
6A-6.09091	Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate new assessment standards for English language learners as well as review rule and governing statutes to ensure consistency between law and rule.

SUBJECT AREA TO BE ADDRESSED: Identification, assessment, and reclassification of students classified as English language learners.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

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

DATES AND TIMES: The following times have been changed since the notice of rule development was published in the September 28, 2007 Florida Administrative Weekly:

October 24, 2007, 1:00 p.m. – 7:00 p.m.; October 25, 2007, 1:00 p.m. – 7:00 p.m.; October 26, 2007, 1:00 p.m. – 7:00 p.m.

PLACE: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.001	Specific Exemptions

PURPOSE AND EFFECT: The purpose of the proposed amendments to subsection (5), Resource Recovery Equipment or Machinery, of Rule 12A-1.001, F.A.C. (Specific Exemptions), is to remove requirements that are no longer used by the Department and to include current procedures and requirements that are currently used by the Department to administer the exemption for resource recovery machinery or equipment provided in Section 212.08(7)(q), F.S.

When in effect, these proposed amendments will: (1) provide that resource recovery equipment is certified by the Department of Environmental Protection pursuant to Section 403.715, F.S., and Rule 62-704.420, F.A.C.; (2) clarify that an applicant may obtain a preliminary examination report, but must obtain a final examination and certification of resource recovery equipment from the Department of Environmental Protection to be qualified for the exemption; (3) remove the requirement that a taxpayer who receives a preliminary examination report of resource recovery equipment from the Department of Environmental Protection be registered with the Department; (4) provide how to purchase qualified resource recovery equipment tax-exempt using the suggested exemption certificate; (5) remove requirements to provide a cash bond, deposit, or other security to the Department for purposes of

obtaining the exemption; (6) clarify that tax is due on equipment or machinery that fails to qualify for final certification by the Department of Environmental Protection; (7) provide how and when tax, plus any applicable penalty or interest, is due to the Department; and subsection (8) provide how to obtain a refund of tax previously paid on certified resource recovery equipment or machinery.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the proposed changes to subsection 12A-1.001(5), F.A.C. (Resource Recovery Equipment or Machinery), the procedures and requirements used by the Department to administer the exemption for resource recovery equipment or machinery provided in Section 212.08(7)(q) FS.

SPECIFIC AUTHORITY: 212.17(6), 212.08(7)(h)2., (cc)5., 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(10), (12), (16), (20), (21), 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS.

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

DATE AND TIME: October 30, 2007, 11:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. 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: Chris Whittier, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

(1) through (4) No change.

(5) **RESOURCE RECOVERY EQUIPMENT OR AND MACHINERY.**

(a) Resource recovery equipment or ~~and~~ machinery used in a facility owned and operated exclusively by or on behalf of any county or municipality is exempt. To qualify for exemption, the resource recovery ~~such~~ equipment or ~~and~~ machinery must:

1. Be certified as resource recovery equipment or machinery by the Department of Environmental Protection under Section 403.715, F.S., and Rule Chapter 62-704, F.A.C., Certification of Resource Recovery Equipment; and

2. Be owned or operated exclusively by or on behalf of a county or municipality.

(b) To obtain certification of the resource recovery equipment or machinery, application must be made to the Department of Environmental Protection. The Department of Environmental Protection will issue a final examination and certification for qualifying resource recovery equipment or machinery after the equipment or machinery is installed and operational. Prior to the purchase and installation of qualifying resource recovery equipment or machinery, a preliminary examination report may be obtained from the Department of Environmental Protection. Persons who obtain a preliminary examination report must also obtain a final examination and certification after the equipment or machinery is installed and operational. Copies of preliminary examination reports and final examination and certifications issued by the Department of Environmental Protection are provided to the Department of Revenue.

(c)1.(b) Preliminary examination reports. A temporary exemption ~~applies~~ ~~shall apply only~~ to the resource recovery equipment or machinery specified in the ~~written~~ preliminary examination report issued ~~delivered to the Executive Director or the Executive Director's designee in the responsible program~~ by the Department of Environmental Protection. The temporary ~~This exemption is~~ ~~shall be final~~, contingent upon final examination and certification of the resource recovery equipment or machinery by the Department of Environmental Protection. ~~In the event the Department of Environmental Protection does not issue a written decision granting or denying certification within 30 months from the date the preliminary examination report is received, the Executive Director or the Executive Director's designee in the responsible program shall determine an amount sufficient to secure payment of any tax, penalty, and interest which may be due or which may become due in the event the Department of Environmental Protection denies certification and shall require a cash deposit, bond, or other security be issued to the Executive Director in such amount, unless the county or municipality for which the facility is being constructed executes a guarantee in favor of the Executive Director, the effect of which is to secure payment of any tax, penalty, and interest which may become due by the party directly liable to the Department for the tax.~~

2. Applicants who have received a preliminary examination report may purchase the resource recovery equipment or machinery identified in the preliminary report tax-exempt. A county or municipality that has received a preliminary examination report may issue a copy of its Florida Consumer's Certificate of Exemption to make tax-exempt

purchases of the identified resource recovery equipment or machinery. Prime contractors and subcontractors who have entered into a contractual agreement with a county or municipality to purchase the identified resource recovery equipment or machinery may purchase the equipment or machinery tax-exempt by issuing a written certification to the selling dealer. The prime contractor or subcontractor must certify that the equipment or machinery qualifies as resource recovery equipment or machinery that will be used exclusively by or on behalf of a county or municipality, as provided in Section 212.08(7)(q), F.S. The following is a suggested format of a written certification:

CERTIFICATION FOR RESOURCE RECOVERY EQUIPMENT OR MACHINERY

This is to certify that the resource recovery equipment or machinery, as described below, purchased on/or after (DATE) from (VENDOR) is purchased for use as qualifying resource recovery equipment or machinery, pursuant to Section 212.08(7)(q), F.S., and will be used exclusively by or on behalf of a county or municipality.

Resource Recovery Equipment or Machinery:

I understand that if I use the equipment or machinery for any purpose other than as resource recovery equipment or machinery, I must pay tax on the purchase price of the taxable property directly to the Department of Revenue.

I understand that it is a criminal offense to fraudulently issue this certificate to evade the payment of sales tax and that 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.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Authorized Representative _____

By _____

(Signature of Purchaser)

(Date)

3.(e) Persons claiming exemption from payment of tax on resource recovery equipment shall submit a copy of the preliminary examination report issued by the Department of Environmental Protection with an Application for Sales and Use Tax Registration (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), as provided in Rule 12A-1.060, F.A.C. to the Executive Director or the Executive Director's designee in the responsible program. Upon approval of the application the Executive Director or the Executive Director's designee in the responsible program shall issue a certificate of

registration authorizing the tax exempt purchase of those items identified by the Department of Environmental Protection as possible resource recovery equipment. The purchaser is required to applicant shall file a monthly report with the Department of Revenue and pay tax at the time of purchase on any item items purchased tax exempt which have not been identified in the preliminary examination report by the Department of Environmental Protection that does not qualify as possible resource recovery equipment or machinery in the preliminary examination report, or have been determined not to be resource recovery equipment following final examination and certification by the Department of Environmental Protection. Upon completion of the project and final certification by the Department of Environmental Protection, the applicant shall forward to the Department of Revenue his Sales and Use Tax Certificate of Registration with any outstanding sales and use taxes due.

(d) Final examination and certification. Resource recovery equipment or machinery identified in a final examination and certification issued by the Department of Environmental Protection is exempt. Applicants, prime contractors, and subcontractors who obtained a preliminary examination report are entitled to an exemption for the resource recovery equipment or machinery identified in the final examination and certification. If it is determined by the Department of Environmental Protection that an item identified in the final examination and certification does not qualify as resource recovery equipment or machinery, tax, plus the applicable penalty and interest computed from the date of purchase, is due to the Department immediately.

(e) Refunds.

1. If an applicant, prime contractor, or subcontractor did not obtain a temporary exemption from the Department to purchase resource recovery equipment or machinery identified in the final examination and certification tax-exempt, the exemption may be obtained through a refund of previously paid taxes. Refunds will not be allowed until information has been provided to the satisfaction of the Executive Director or the Executive Director's designee that the resource recovery equipment or machinery meets the requirements of Section 212.08(7)(q), F.S., and this rule. The purchaser of the qualified resource recovery equipment or machinery is entitled to a refund of tax paid on the qualifying resource recovery equipment or machinery. The purchaser must obtain a certified statement from its supplier(s) certifying that the supplier(s) has remitted the tax to the Department. If the purchaser paid tax directly to the Department, the purchaser is required to provide documentation that the tax was remitted directly to the Department.

2. The following is a suggested format for a certified statement to be issued by the supplier that tax has been remitted to the Department:

 (COMPANY), its undersigned officer who is
 duly authorized, hereby certifies to _____
 (CONTRACTOR OR SUBCONTRACTOR) it has paid sales
 tax to the Florida Department of Revenue totaling the sum of
 \$ _____. The taxes were collected by COMPANY upon the
 sales of equipment or machinery as evidenced by the attached
 invoice(s).

The company further certifies the sales tax for the attached
 invoice(s) was paid to the Department of Revenue in the month
 following the date of sale under sales tax certificate number
 _____.

SIGNATURE OF AUTHORIZED OFFICER OF COMPANY

BY: _____

TITLE: _____

DATE: _____

3. An Application for Refund-Sales and Use Tax (Form
 DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.)
 must be filed within 3 years after the date the tax was paid in
 accordance with the timing provisions of Section 215.26(2),
 F.S. A copy of the final examination and certification issued by
 the Department of Environmental Protection, the
 documentation to evidence the payment of tax, and the
 certified statement(s) from the supplier(s) that tax has been
 remitted to the Department must accompany the application for
 refund. An application for refund will not be considered
 complete pursuant to Sections 213.255(2) and (3), F.S., and
 Rule 12-26.003, F.A.C., and a refund will not be approved,
 until the applicant can demonstrate that the resource recovery
 equipment or machinery has been certified by the Department
 of Environmental Protection and that tax on the purchase of the
 equipment or machinery has been remitted to the Department.

(6) No change.

Specific Authority ~~212.08(7)(h)2., (cc)5.,~~ 212.17(6), 212.18(2),
 213.06(1) FS. Law Implemented 212.02(10), (12), (16), (20), (21),
 212.05, 212.08(6), (7)(f), (h), (q), (v), (x), (cc) FS. History—Revised
 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended
 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78,
 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81,
 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended
 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96,
 4-2-00, 6-28-00, 6-19-01, 10-2-01(1), (2), 10-2-01(2)-(7),
 10-2-01(3)-(7), 8-1-02, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.060
 RULE TITLE: Sales for the Purpose of Resale

PURPOSE AND EFFECT: The purpose of the proposed
 amendments to Rule 12A-19.060, Florida Administrative Code
 (Sales for the Purpose of Resale), is to establish by
 administrative rule the requirements to document tax-exempt
 sales of communications services for resale by using the
 Department’s electronic system to verify communications

services tax dealers’ registration numbers and resale certificate
 numbers, as required in Sections 8-10, Chapter 2007-106,
 Laws of Florida. This law requires the Department to establish
 a toll-free telephone number for the verification of valid
 communications services tax dealer registration numbers and
 resale certificates no later than January 1, 2008. In addition, the
 Department will provide an on-line certificate verification
 system to be used by selling dealers to verify communications
 services tax dealers’ registration numbers and resale
 certificate/business partner numbers.

The proposed amendments provide the three methods by which
 dealers must document the exempt nature of sales for the
 purpose of resale – to obtain a copy of the purchaser’s
 Communications Services Tax Annual Resale Certificate that
 is signed by the purchaser or the purchaser’s representative; to
 obtain a Transaction Resale Authorization Number issued by
 the Department; or, to obtain a Vendor Resale Authorization
 Number issued by the Department.

The proposed amendments provide that selling dealers may
 make tax-exempt sales for resale to a purchaser whose current
 Communications Services Tax Annual Resale Certificate is on
 file without seeking a new certificate for each subsequent sale
 during that calendar year. For sales made to purchasers who
 purchase on account from a dealer on a continual basis, the
 selling dealer is not required to obtain a new certificate for
 each calendar year.

The proposed amendments provide that selling dealers may
 document tax-exempt sales for resale by obtaining a
 Transaction Resale Authorization Number or a Vendor Resale
 Authorization Number from the Department by using the
 Department’s on-line Certificate Verification System or calling
 the Department’s nationwide toll-free telephone verification
 system. The proposed amendments provide the requirements
 for the selling dealer to obtain a transaction resale
 authorization number for each and every resale transaction and
 to document each resale transaction. Selling dealers who
 document sales for resale by obtaining a Vendor Resale
 Authorization Number from the Department must also obtain a
 signed copy of the purchaser’s Communications Services Tax
 Annual Resale Certificate. The proposed amendments provide
 how to obtain the Vendor Resale Authorization Number from
 the Department and the time periods during which the
 authorization number is valid.

SUBJECT AREA TO BE ADDRESSED: The subject of this
 workshop is the proposed requirements for communications
 services tax dealers to verify communications services tax
 certificate/business partner numbers for purposes of
 documenting tax-exempt sales of communications services for
 resale, utilizing the Department’s toll-free telephone
 verification system or the Department’s on-line certificate
 verification system.

SPECIFIC AUTHORITY: 202.16(2), 202.26(3)(c), (d) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS.

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

DATE AND TIME: October 30, 2007, 11:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. 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: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.060 Sales for the Purpose of Resale.

(1) A sale for the purpose of resale is excluded from the tax imposed by and administered under Chapter 202, F.S., only when the sale is made in strict compliance with the provisions of this rule.

(2) For purposes of this rule, the following terms are defined as:

(a) A “dealer” means a person registered with the Department as a provider of communications services in Florida.

(b) An “active registered dealer” means a person who is registered with the Department as a communications services tax dealer and who is required to file a communications services tax return at least once during each applicable reporting period, as provided in Section 202.17(6), F.S.

(c) A “purchaser” means the person paying for or obligated to pay for communications services.

(3) A “sale for the purpose of resale” occurs when a person purchases communications services from a dealer and then resells the communications services, uses the communications services as a component part of communications services that are offered for retail sale, or integrates the purchased communications services into communications services offered for retail sale.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer will receive a Communications Services Tax Certificate of Registration (Form DR-700014) and a Communications Services Tax Annual Resale Certificate (Form DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) The business name and mailing address of the certificate holder, the certificate/business partner number, the registration effective date, and the expiration date of the certificate, ~~and the purposes for which the certificate may be provided~~ will be indicated on each Communications Services Tax Annual Resale Certificate.

(c) The effective date of a dealer’s initial Communications Services Tax Annual Resale Certificate will be the postmark date of the application or, when delivered by means other than the United States Postal Service, the date the application is received by the Department.

(d) In the event that a dealer’s original Communications Services Tax Annual Resale Certificate is lost or destroyed, a replacement may be requested by visiting any local Department of Revenue Service Center to personally obtain a copy or by contacting the Department at (800)352-3671 (~~in Florida only~~) or ~~(850)488-6800~~. Persons with hearing or speech impairments may call the Department’s TDD, at (800)367-8331 or (850)922-1115. Written requests should be addressed to Account Management Central Registration, Florida Department of Revenue, P. O. Box 6480, Tallahassee, Florida 32314-6480.

(5) A Communications Services Tax Annual Resale Certificate is considered valid when a signed copy of the certificate is provided to the selling dealer in lieu of payment of the tax on any sale made on or after the registration effective date and on or prior to the certificate expiration date, as indicated on the certificate; and when a selling dealer receives a signed copy of the certificate in good faith.

(6) A dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods: PROVISIONS APPLICABLE TO SELLING DEALERS:

(a) COPIES OF ANNUAL RESALE CERTIFICATES OBTAINED BY THE SELLING DEALER. A selling dealer who makes a sale for the purpose of resale must obtain and receives a signed copy of the purchaser’s current a valid Communications Services Tax Annual Resale Certificate or a Transaction Resale Authorization Number or Vendor Resale Authorization Number issued by the Department in lieu of tax will be in compliance with the requirements of this rule and is relieved from any liability for any tax due on that sale.

1. The copy of the Communications Services Tax Annual Resale Certificate must be signed by the purchaser or the purchaser’s authorized representative.

2. A selling dealer may make sales for resale to a purchaser whose current Communications Services Tax Annual Resale Certificate is on file without seeking a new certificate for each subsequent transaction during that calendar year. A new Communications Services Tax Annual Resale Certificate must be obtained each calendar year. Except for sales made to purchasers who purchase on account from the dealer on a continual basis, a selling dealer may only make exempt sales for resale to purchasers during the calendar year for which the purchaser's Communications Services Tax Annual Resale Certificate appears valid on its face.

3. For sales made to purchasers who purchase on account from a dealer on a continual basis, the selling dealer may rely upon the Communications Services Tax Annual Resale Certificate beyond the expiration date of the certificate and is not required to obtain a new certificate each calendar year.

a. For purposes of this paragraph, the phrase "purchase on account from a dealer on a continual basis" means that the selling dealer has a continuing business relationship with a purchaser and makes recurring sales on account to that purchaser in the normal course of business.

b. For purposes of this paragraph, a sale "on account" refers to a sale where the dealer extends credit to the purchaser and records the debt as an account receivable, or where the dealer sells to a purchaser who has an established cash or cash on delivery (C.O.D.) account, similar to an "open credit account."

c. For purposes of this paragraph, purchases are made from a selling dealer on a "continual basis" if the selling dealer makes sales to the purchaser no less frequently than once in every twelve-month period in the normal course of business.

(b) TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. In lieu of obtaining a signed copy of the purchaser's Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Transaction Resale Authorization Number or a Vendor Resale Authorization Number from the Department.

1. A "transaction resale authorization number" must be obtained by the selling dealer at the point-of-sale by using the Department's on-line Certificate Verification System at www.myflorida.com/dor/eservices or by calling the Department's nationwide toll-free telephone verification system at (877)357-3725.

2. When using the Department's on-line Certificate Verification System, the dealer may key up to five (5) purchaser's communications services tax certificate/business partner numbers into the system. When using the Department's automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser's communications services tax certificate/business partner number. The system will either issue a 13-digit transaction

resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: "The purchaser hereby certifies that the communications services being purchased are for resale." This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

(c) VENDOR RESALE AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. In lieu of obtaining a Transaction Authorization Number or a signed copy of the purchaser's valid Communications Services Tax Annual Resale Certificate for each tax-exempt sale made for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department. This option is available to selling dealers throughout the calendar year without limitation.

1. The "Vendor Resale Authorization Number" is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year. When obtaining a Vendor Resale Authorization Number, the selling dealer must obtain a signed copy of the purchaser's Communications Services Tax Annual Resale Certificate to document that the purchaser is authorized to make tax-exempt purchases for the purposes of resale. Once a Vendor Resale Authorization Number is obtained for that customer, the selling dealer is not required to obtain a Communications Services Tax Annual Resale Certificate from that customer each year.

2. To obtain vendor resale authorization numbers, the selling dealer must use the Department's on-line Certificate Verification System at www.myflorida.com/dor/eservices. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of a Communications Services Tax Annual Resale Certificate number and to, 24 hours later,

retrieve the file containing the Vendor Authorization Numbers for sales made for the purposes of resale to each purchaser during the calendar year.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and for the next calendar year.

(7) BURDEN OF ESTABLISHING EXEMPT NATURE OF SALES FOR RESALE.

(a)(b) Copies of Communications Services Tax Annual Resale Certificates that are obtained after the sale from purchasers who were active registered dealers at the time of the sale and are submitted to the Department during an audit or subsequent informal protest period of the audit will be considered sufficient compliance with this rule.

(b)(e) A sale made to a person who was not an active registered dealer at the time of the sale is a retail sale, and the sale can never be considered a sale for resale. However, a selling dealer who accepts a signed copy of a Communications Services Tax Annual Resale Certificate that appears valid on its face will not be held liable for the tax on such transaction, if it is later determined that the purchaser was not an active registered dealer.

(d) A selling dealer may make sales for the purpose of resale to a purchaser who has previously provided a copy the purchaser's current Communications Services Tax Annual Resale Certificate that is on file without seeking a new copy of the purchaser's Communications Services Tax Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer must obtain a new copy of the purchaser's Communications Services Tax Annual Resale Certificate from its purchasers for sales made for the purpose of resale in subsequent calendar years.

(8)(7) PROVISIONS APPLICABLE TO PURCHASING DEALERS.

(a) A signed copy of a Communications Services Tax Annual Resale Certificate may only be provided by an active registered dealer who holds a valid Communications Services Tax Certificate of Registration issued by the Department.

(b) A dealer whose Communications Services Tax Certificate of Registration has been revoked by the Department or whose registration has been inactivated or canceled is prohibited from providing copies of its Communications Services Tax Annual Resale Certificate in lieu of paying the tax due on its purchases of communications services. A dealer who provides a copy of its Communications Services Tax Annual Resale Certificate for any purchase after its

Communications Services Tax Certificate of Registration has been revoked, inactivated, or canceled will be held liable for the tax, penalty, and interest on all such purchases.

(c) In the event that a purchasing dealer provides a copy of its Communications Services Tax Annual Resale Certificate to a selling dealer and subsequently consumes the communications services by not reselling the communications services, the purchasing dealer must pay all applicable communications services taxes directly to the Department with its first return due subsequent to the consumption of the communications services.

~~(9)(8)~~ REQUIRED RECORDS. A dealer is required to document the nature of sales made for the purpose of resale and is required to maintain copies of Communications Services Tax Annual Resale Certificates, Vendor Resale Authorization Numbers, Transaction Authorization Numbers, and receipts, invoices, billing statements, or other tangible evidence of such sales until the tax imposed by and administered under Chapter 202, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Electronic storage by a selling dealer of a signed copy of a purchaser's Communications Services Tax Annual Resale Certificate and other required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History--New 1-31-02, Amended 7-16-06,_____.

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 BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.0015
 RULE TITLE: Standards of Practice
 PURPOSE AND EFFECT: The purpose and effect is to establish standards of practice for electrical contractors.
 SUBJECT AREA TO BE ADDRESSED: Standards of Practice.
 SPECIFIC AUTHORITY: 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS.
 LAW IMPLEMENTED: 489.503, 489.533(2), 455.227(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0015 Standards of Practice.

(1) The Board establishes the following as standards of practice in electrical and alarm system contracting:

(a) An electrical or alarm system contractor shall, prior to engaging or contracting with another entity and or person for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S., verify that the entity and or person is certified or registered with the State of Florida.

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts with for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include proof of the entities' or persons' current Florida certification or registration.

(c) An electrical or alarm system contractor shall pull a building permit from the local building department, prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503. F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth in above.

Specific Authority 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) F.S. Law Implemented 489.503, 489.533(2), 455.227(2) F.S. 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

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-56.010	Scope
62B-56.020	Definitions
62B-56.030	Permit Criteria for Construction
62B-56.040	Consultations
62B-56.050	Permit Application Requirements and Procedures
62B-56.060	Electronic Submittal

62B-56.070	Public Comment and Noticing Requirements
62B-56.080	Survey Requirements
62B-56.090	Financial Assurances
62B-56.100	Duration of Permits
62B-56.110	Permit Modifications
62B-56.120	Permit Transfers
62B-56.130	Permit and Maintenance Fees
62B-56.140	Conversion and Maintenance
62B-56.150	General Permit Conditions
62B-56.160	Revocations, Suspensions and Removal

PURPOSE AND EFFECT: To create Rule Chapter 62B-56, entitled; Bureau of Beaches and Coastal Systems – Rules and Procedures for Using Sand-Filled Geotextile Dune Cores (Permits for Construction and Maintenance), to provide the requirements and procedures for issuance, denial, transfer, modification, revocation, and suspension, of Construction and Maintenance Permits used for sand-filled geotextile containers as the core of a restored dune feature.

SUBJECT AREA TO BE ADDRESSED: Permitting, construction, maintenance, and removal of geotextile containers under certain conditions, and other rule provisions.

SPECIFIC AUTHORITY: 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.0535, 161.085 FS.

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

DATE AND TIME: October 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, 5050 W. Tennessee St., Bldg. B, Room #307, Tallahassee, FL., as noticed in the September 28, 2007, Vol 33, No. 39, of the F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charlotte Hand at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7816, or by e-mail at: charlotte.hand@dep.state.fl.us, and the Department's web site at: www.dep.state.fl.us/beaches/default.htm#HotTopics

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.001	Purpose and Scope
63F-10.002	Definitions
63F-10.003	Requests for Youth Records
63F-10.004	Release of Youth Records
63F-10.005	Record-Sharing Agreements
63F-10.006	Confidentiality

PURPOSE AND EFFECT: The rule establishes the process and conditions whereby the Department of Juvenile Justice may make available records in its custody regarding children.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the manner in which requests for youth records are received and processed, and the conditions under which various types of youth records are provided to requesting youth, law enforcement, criminal justice agencies, and others authorized to obtain the information.

SPECIFIC AUTHORITY: 985.04, 985.64 FS.

LAW IMPLEMENTED: 985.04 FS.

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

DATE AND TIME: Tuesday, October 30, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, General Counsel's Conference Room 3200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103	RULE TITLE: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal
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PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credits and license renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

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

(c) Prior to renewal, a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by an Accreditation Council for Pharmacy Education (ACPE) provider ~~the Board or the Accreditation Council for Pharmacy Education (ACPE)~~ on medication errors that covers the topics set forth in ~~subsection Rule~~ 64B16-26.6011(2), F.A.C. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

(d) through (j) No change.

(k) All programs accredited ~~approved~~ by an ~~the~~ ACPE provider for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists. ~~Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.~~

(l) No change.

(2)(a) through (c) No change.

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule ~~64B16-26.304, 64B16-26.303~~, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. A nuclear program or course accredited by an ACPE provider shall be deemed approved by the Board for nuclear pharmacist continuing education hours. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) through (c) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.141
 RULE TITLE: Automated Pharmacy System in a Community Pharmacy

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide additional updated requirements for an automated pharmacy system in a community pharmacy.

SUBJECT AREA TO BE ADDRESSED: Requirements for an Automated Pharmacy System in a Community Pharmacy.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.141 Automated Pharmacy System in a Community Pharmacy.

(1) Definitions. “Automated pharmacy system” means a mechanical system, located within or adjacent to the confines of the prescription department, that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(2)(a) through (d) No change.

(3) Additional Requirements for Patient Accessed Automated Pharmacy Systems. A pharmacy may use a patient accessed automated pharmacy system, provided that:

(a) Meets the requirements in subsection (2) above.

(b) The stocking or restocking of a medicinal drug shall only be completed by a Florida licensed pharmacist, except as provided in paragraph (c) below.

(c) If the automated pharmacy system uses removable cartridges or containers to store the drug, the stocking or restocking of the cartridges or containers may occur at a licensed repackaging facility and be sent to the provider pharmacy to be loaded by personnel designated by the pharmacist if:

1. A Florida licensed pharmacist verifies the cartridge or container has been properly filled and labeled.

2. The individual cartridge or container is transported to the provider pharmacy in a secure, tamper-evident container.

3. The automated pharmacy system uses a bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the cartridge or container is accurately loaded into the automated pharmacy system.

4. The Florida licensed pharmacist verifying the filling and labeling is responsible if the cartridge or container is stocked or restocked incorrectly by the personnel designated to load the cartridges or containers.

(d) The automated pharmacy system must use at least two separate verifications, such as bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the proper medication is being dispensed from the automated system.

(e) The medication shall bear a patient specific label that complies with Rule 64B16-28.108, F.A.C.

(f) The record of transactions with the patient accessed automated pharmacy system shall be available to authorized agents of the Department of Health. The record of transactions shall include:

1. Name of the patient.

2. Name, strength, and dosage form of the drug product dispensed.

3. Quantity of drug dispensed.

4. Date and time of dispensing.

5. Name of provider pharmacy.

6. Prescription number.

7. Name of prescribing practitioner.

8. Identity of the pharmacist who approved the prescription or order.

9. Identity of the person to whom the drug was released.

(4) The Florida licensed pharmacist responsible for filling, verifying, or loading the automated pharmacy system shall be responsible for her or his individual action.

(5) A prescription dispensed pursuant to the requirements of this rule shall be deemed to have been certified by the pharmacist.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.022 FS. History—New 11-29-04, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.501
 RULE TITLE: Institutional Permit – Consultant Pharmacist of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for an institutional permit and for the consultant pharmacist of record.

SUBJECT AREA TO BE ADDRESSED: Institutional Permit – Consultant Pharmacist of Record.

SPECIFIC AUTHORITY: 465.005, 465.0125, 465.022 FS.

LAW IMPLEMENTED: 465.0125, 465.019, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.501 Institutional Permit – Consultant Pharmacist of Record.

Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within 10 days of any change in the consultant pharmacist of record. The consultant pharmacist of record for a Class I ~~or a~~ Modified Class II, or a Special ALF permit shall conduct Drug Regimen Reviews as required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor monthly the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and or in the monthly facility inspection.

Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022 FS. History–New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended 1-2-02,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-11.002 RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 456.017, 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:	RULE TITLES:
64C-8.001	Definitions Used in the Child Protection Team Rule
64C-8.002	Child Protection Team Organization, Roles and Responsibilities
64C-8.003	CPT Services
64C-8.004	Waivers

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Child Protection Teams.

SUBJECT AREA TO BE ADDRESSED: Amendments provide new and updated definitions; revises minimum criteria for a Child Protection Medical Director, Team Coordinator, Psychologist, Team Physicians, Physician Assistants, and Advanced Nurse Practitioners, and Team Attorneys; updates eligibility criteria and services; and clarifies waiver procedures.

SPECIFIC AUTHORITY: 39.303, 415.514 FS.

LAW IMPLEMENTED: 415.5055 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: Janet Evans, janet_evans@doh.state.fl.us, Children’s Medical Services, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-1700

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

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:	RULE TITLES:
64C-9.001	Definitions Used in the Sexual Abuse Treatment Rule
64C-9.002	Sexual Abuse Treatment Program Organization, Roles and Responsibilities
64C-9.003	Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Sexual Abuse Treatment Programs

SUBJECT AREA TO BE ADDRESSED: Amendments provide new and updated definitions; revised criteria for a Program Coordinator and counseling staff; updates eligibility criteria and services; and clarifies waiver procedures

SPECIFIC AUTHORITY: 39.3031 FS.

LAW IMPLEMENTED: 39.305 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: Janet Evans, janet_evans@doh.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.:	RULE TITLE:
65C-33.001	Definitions

PURPOSE AND EFFECT: Child Welfare Training and Certification. The purpose of this rule is to carry out the provisions of Section 402.40, F.S. regarding child welfare training. This rule will set forth the minimum standards for a Child Welfare Professional training and certification process; continuing training requirements; supervisor training and certification requirements; and trainer certification requirements. These minimum standards ensure that each participant has successfully attained the knowledge, skills and abilities necessary to competently carry out his or her work responsibilities.

SUBJECT AREA TO BE ADDRESSED: Training and Certification of Child Welfare Professionals.

SPECIFIC AUTHORITY: 402.40(10) FS.

LAW IMPLEMENTED: 402.40(10) FS.

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

DATES AND TIMES: WORKSHOP 1, TIME AND DATE: 10:00 a.m. – 3:00 p.m. EST, November 6, 2007; WORKSHOP 2, TIME AND DATE: 9:00 a.m. – 2:00 p.m. EST, November 16, 2007; WORKSHOP 3, TIME AND DATE: 8:30 a.m. – 1:30 p.m. EST, November 27, 2007

PLACE: WORKSHOP 1 Department of Children and Families, 1317 Winewood Boulevard, Building 4, Tallahassee, FL 32399-0700; WORKSHOP 2 Department of Children and Families, 201 West Broward Boulevard, Suite 408, Ft. Lauderdale, FL 33301; WORKSHOP 3: University of South Florida, Louis De La Parte Mental Health Center, 13301 Bruce B. Downs Boulevard, Classroom G, Tampa, FL 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Taffy Compain, Program Administrator, Office of Family Safety, 1317 Winewood Boulevard, Building 6, Room 147, Tallahassee, FL 32399-0700, Telephone: (850)487-2383

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or

rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2008 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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: October 26, 2007, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Jacksonville Hyatt Regency, 225 East Coast Line Drive, Jacksonville, Florida 32202

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: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. 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: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site www.floridahousing.org

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees

67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments
	PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.
	SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2008 application and program

requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2007 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: October 26, 2007, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Jacksonville Hyatt Regency, 225 East Coast Line Drive, Jacksonville, Florida 32202

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: Blake Carson-Poston at (850)488-4197. 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: Steve Auger, Executive Director

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.0011	Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations
12A-1.005	Admissions
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels,

Taverns, or Other Like Places of Business and by Transportation Companies.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property

12A-1.097 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), is to update, consistent with current statutory provisions: (1) the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business; (2) the application of tax on bakery products sold by bakeries, pastry shops, and like establishments; (3) the application of tax on the sale of water or ice; and (4) the application of tax on the sale of food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business.

When adopted, these rules will provide for the administration of sales tax relevant to grocery stores, supermarkets, convenience stores, and others that sell grocery items for the following:

- Sales of grocery items, both taxable and exempt
- Sales of bakery products for consumption on the premises and those sold for consumption off the premises
- Sales of taxable soft drinks and other beverages and tax-exempt 100% juice
- Sales of hot prepared food items sold by grocery stores
- Sales of packages containing both tax-exempt food items and other taxable items

These proposed rules, when adopted, will also provide for the administration of sales and use tax relevant to restaurants, lunch counters, cafeterias, hotels, taverns, caterers, transportation companies, tax-exempt organizations, or other places that sell prepared food items for the following:

- Meals, drinks, and food items that are taxable when prepared, served, or sold in such places of business
- The taxability of food and drinks served or sold in places where an admission is charged
- How to tax meals and food items purchased with coupons or other discounts
- When gratuities are subject to tax
- The exemption for food donated to a food bank or to organizations exempt from federal tax
- The exemption from tax on food or drinks furnished as part of a room package by hotels and other public lodging establishments

SUMMARY: The proposed amendments to Rule 12A-1.0011, F.A.C. (Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations), include meals or other prepared food products as examples of items sold for fundraising purposes.