

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:
2A-2.002 Claims

PURPOSE AND EFFECT: The proposed rule amendments are intended set forth revised forms utilized for victim compensation.

SUBJECT AREA TO BE ADDRESSED: Revised victim compensation forms.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 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: Gwen Roache, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (September 2007) (January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

- (1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 3/03), effective 5-13-03.
(2) BVC 100SF, entitled "Victim Compensation Claim Form" (Short Form), (10/99), effective 2-3-00.
(3) BVC 102, entitled "Filing Time Explanation" (1/99), effective 8-17-99.
(4) BVC 103, entitled "Reporting Time Explanation" (2/99), effective 8-17-99.
(5) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective 8-17-99.
(6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01), effective 10-23-01.
(7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective 10-23-01.

(8) BVC 211, entitled "Notice of Rights - Hearing Request," (3/99), effective 8-17-99.

(9) BVC 405, entitled "Employment Report," (1/99), effective 8-17-99.

(10) BVC 409, entitled "Treatment Statement," (2/99), effective 8-17-99.

(11) BVC 410, entitled "Disability Statement," (1/99), effective 8-17-99.

(12) BVC 421, entitled "Notification of Possible Recoupment or Prosecution for Fraud" (8/01), effective 10-23-01.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 FS. History-New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:
2A-3.002 Application and Payment Procedures

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the revised Sexual Battery Claim form.

SUBJECT AREA TO BE ADDRESSED: Revised Sexual Battery Claim Form.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 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: Gwen Roache, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 07/07) (Rev. 8/02), effective 3-17-03, which is incorporated in this rule by reference.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History-New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, 2-3-00, 3-17-03.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-1.057	Alcoholic and Malt Beverages
12A-1.060	Registration
12A-1.097	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendment to Rule 12A-1.057, F.A.C. (Alcoholic and Malt Beverages), is to delete an unnecessary reference to the Department’s authority to require a surety bond or cash deposit.

The purpose of the proposed amendments to Rule 12A-1.060, F.A.C. (Registration), is to provide when the Department will require a cash deposit, surety bond, or irrevocable letter of credit as a condition for any person to obtain or retain a dealer’s certificate of registration. The proposed amendments: (1) define the terms “person,” “security,” and “tax or fee liability” for purposes of these requirements; (2) provide the qualifying events for which the Department will determine that security will be required for a person to obtain, retain, or renew a dealer’s certificate of registration; (3) provide how the Department will determine the amount of security required; (4) provide that the Department will provide written notice of intent to deny registration or written notice of intent to revoke registration, as applicable, unless security is posted; (5) provide requirements for requesting a conference regarding the requirement to provide security and inform persons of the right to request an administrative hearing; (6) provide that if the Department determines the amount of an existing security is insufficient or the amount of the security is reduced or released, the Department will provide written notification to the person of the revised amount of security required, and that the person notified must provide additional security or request a conference regarding the requirement to provide additional security; (7) provide that if additional security is provided the Department will cancel, surrender, or discharge the previous security; (8) provide that the duration of security required by the Department will not be less than 12 months; (9) provide that, if the person required to provide security ceases operations during the time the security is held, a written request to the Department is required for it to return a cash deposit or to release the surety bond or irrevocable letter of credit; (10) provide that the Department will offset any reimbursement against any outstanding liability of a dealer that ceases business during the term of the security; and (11) provide that the Department may initiate an action to seek a release of moneys from the security held by the Department if a taxpayer is more than 30 days delinquent in the payment of its tax or fee liability.

The effect of the proposed amendments to Rule 12A-1.060, F.A.C., will be to provide the requirements and procedures the Department will use when requiring security in the form of a

cash deposit, surety bond, or irrevocable letter of credit as a condition to obtaining or retaining a dealer’s certificate of registration, under the authority of Section 212.14(4), F.S.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, Form DR-17A, Certificate of Cash Deposit/Cash Bond, and Form DR-29, Application for Refund of Cash Deposit/Cash Bond.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the Department’s proposed requirement regarding cash deposits, surety bonds, or irrevocable letters of credit as a condition to obtain or retain a dealer’s certificate of registration.

**SPECIFIC AUTHORITY:** 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.08(1)(a), 201.01, 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

**DATE AND TIME:** November 13, 2007, 2:00 p.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:** Thomas Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-1.057 Alcoholic and Malt Beverages.

(1) No change.

(2) Any person desiring to sell such beverages at retail must first qualify as a dealer under Chapter 212, F.S., before applying to the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, for a license. ~~Surety or cash bond to guarantee payment of taxes may be required by the Department of Revenue.~~

(3) through (4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(12), (14)(a), 212.05(1)(a)1.a., (b), (2), (3), (4), 212.06, 212.07(2), (4), 212.08(4)(b), (7)(s), ~~212.14(4)~~, 212.19, 561.01 FS. History—Revised 10-7-68, 6-16-72, Amended 1-10-78, 7-16-79, 7-20-82, Formerly 12A-1.57, Amended 12-13-88, \_\_\_\_\_.

12A-1.060 Registration.

(1) through (5) No change.

(6) CASH DEPOSITS, SURETY BONDS, OR LETTERS OF CREDIT. The Department will utilize the criteria in this subsection when it requires a cash deposit, surety bond, or irrevocable letter of credit as a condition to any person obtaining or retaining a dealer's certificate of registration. Nothing in this subsection prohibits the Department from pursuing any other authorized means to collect a tax or fee liability. Nothing in this subsection requires the Department to permit the posting of a cash deposit, surety bond, or irrevocable letter of credit instead of revoking or refusing to issue a dealer's certificate of registration. This subsection does not apply to a person currently in compliance with a written agreement with the Department regarding its tax or fee liabilities and obligations.

(a) Definitions. For the purposes of this subsection:

1. "Person" means any person, as defined in Section 212.02(12), F.S., and includes individuals owning a controlling interest in a person.

2. "Person" also includes any person with an existing certificate of registration or any person seeking to obtain a dealer's certificate of registration:

a. who has acquired ownership or controlling interest in a business that would be otherwise liable for posting security, if the person fails to provide evidence the business was acquired in an arms length transaction or for consideration; or

b. for a business that will be operated at an identical location of a previous business that would otherwise have been liable for posting security, if such person fails to provide evidence the business was acquired in an arms length transaction or for consideration.

3. The word "security" means cash deposits, surety bonds, or irrevocable letters of credit. Bonds required under this subsection must be issued by a surety company authorized to do business in this state as a surety. Irrevocable letters of credit

must be issued by a bank authorized to do business in the state as a bank and must be engaged by a bank as an agreement to honor demands for payment.

4. "Tax or fee liability" means any liability for any of the following taxes or fees, penalty, or interest:

a. Any sales or use tax, discretionary sales surtax, or local option tax imposed under Chapter 212, F.S.;

b. Any tourist development tax levied under Section 125.0104, F.S., or tourist impact tax levied under Section 125.0108, F.S.;

c. The rental car surcharge levied under Section 212.0606, F.S.;

d. Any solid waste fee, such as the new tire fee levied under Section 403.718, F.S., or the lead-acid battery fee levied under Section 403.7185, F.S.;

e. The motor vehicle warranty fee levied under Section 681.117, F.S.;

f. Any penalty or interest imposed under Sections 212.12(2), or 213.235, F.S.

(b) Qualifying Events. Security will be required when the Department determines that any of the following qualifying events apply:

1. The person owns or manages a business that has no permanent business location in Florida, or where a person operates from a temporary location in Florida for less than six months in any consecutive twelve-month period, and there is evidence that the person will fail to remit taxes to the state;

2. The person has had a previous certificate of registration revoked;

3. The person failed to comply with the provisions of a judgment, settlement agreement, closing agreement, stipulated payment agreement, or consent agreement entered into with the Department; or

4. Whether a warrant is currently unsatisfied in whole or in part; or

5. The person is seeking an additional registration and has an outstanding liability of \$2500 or more.

(c) Security Amount Determination.

1. When the Department requires a person with an existing certificate of registration to post security, the required security will be equal to the person's total estimated tax or fee liability, as determined by the Department, for the preceding twelve calendar months, plus the person's outstanding tax or fee liability.

2. When the Department requires a person applying for a new certificate of registration to post security, the following criteria will be used to determine the amount required, unless the specific facts and circumstances warrant a higher amount not to exceed the sum of the person's total estimated tax or fee liability, as determined by the Department, for twelve calendar months, plus the person's outstanding tax or fee liability:

a. If the person is or will be:

(I) A monthly filer, security equal to six months' estimated tax or fee liability will be required.

(II) A quarterly filer, security equal to nine months' estimated tax or fee liability will be required.

(III) A semiannual or annual filer, security equal to one year of the estimated tax or fee liability will be required.

b. When considering specific facts and circumstances to determine if additional security will be required under this subparagraph, the Department will consider and be guided by the person's financial status, including, but not limited to:

(I) The value of the person's real property holdings in Florida;

(II) The value of the person's assets in Florida, including the liquidity or mobility of the assets; or

(III) Outstanding money judgments against the person.

(d) Procedural Issues Regarding the Security Requirement.

1. When the Department determines that security is required as a condition to obtaining a dealer's certificate of registration, it will send written notice of intent to deny registration to the person at the person's last known address as it appears in the Department's records. When the Department determines that security is required as a condition to retaining a dealer's certificate of registration, it will send notice of intent to revoke registration to the person at the person's last known address as it appears in the Department's records. The person must either post security or send a written request for a conference to the Department. The security or written request for a conference must be received by the Department within 30 consecutive calendar days after the date of the notice.

2.a. A request for a conference must be made directly to the office designated in the notice and must:

(i) State the reasons for objecting to the requirement to post security;

(ii) Request an informal conference with the Department regarding the requirement to post security;

(iii) Include a copy of the notice informing the person of the requirement to post security; and

(iv) Be mailed, hand delivered, or faxed to the office address or fax number provided in the notice of the requirement to post security.

b. Requests postmarked, hand delivered, or faxed more than 30 consecutive calendar days after the date of issuance of the notice will be deemed late filed and shall result in the forfeiture of the person's rights to such conference, unless the person has timely secured a written extension of time within which to file a request for a conference.

c. An extension of time in which to request a conference may be secured by mailing, hand delivering, or faxing a written request to the office designated in the notice. Each extension of time will be for 30 consecutive calendar days. Within a 30

consecutive calendar day extension period, the person may submit a request in writing to the office designated in the notice for an additional 30 consecutive calendar day extension within which to request a conference.

d. Failure to mail, hand deliver, or fax a written request for a conference or a written request for an additional 30 consecutive calendar day extension within a pending extension period shall result in forfeiture of the right to such conference.

e. If a conference is requested, it will be held at the earliest convenience of both the person and the Department, but it will not be held more than 60 consecutive calendar days after the notice, unless specifically agreed to in writing by the Department.

f. If a request for a conference is not timely made, the right to seek a conference is waived.

g. The 30 consecutive calendar days provided for requesting a conference may be waived by the person to expedite resolution of the issue.

h. The person has the right to request an administrative hearing, to be conducted in accordance with Section 120.57, F.S., and Rule Chapter 28-106, F.A.C., if the notice of the requirement to post security becomes final. For this purpose, the Department's notice will become final if:

(i) An agreement is not reached after the informal conference;

(ii) A written request for a conference or a written request for an extension of time for requesting a conference is not timely filed; or

(iii) The right to an informal conference is waived.

2. If the person fails to post security or to secure review of the requirement to post security, the Department will deny the application for a certificate of registration, will revoke any existing certificate, and request that the Department of Legal Affairs proceed by injunction to prevent such person from doing business in the state until the appropriate security is posted.

3. Any security posted under this subsection must solely benefit the Florida Department of Revenue, and must be conditioned upon the timely compliance with the person's tax or fee liability and the terms and conditions of any compliance agreement entered into between the person and the Department.

4. Any person posting security in the form of a cash deposit must complete Form DR-17A, Certificate of Cash Deposit/Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.). Suggested formats for the irrevocable letter of credit and the surety bond are available on the Department's website: [www.myflorida.com/dor](http://www.myflorida.com/dor).

5. An irrevocable letter of credit must contain an expiration date that is at least eighteen months after the stated date of issuance.

6. An irrevocable letter of credit or surety bond must contain a provision that requires the issuing bank or surety company to notify the Department of the expiration or termination of the irrevocable letter of credit or surety bond by certified mail at least 60 days prior to the expiration or termination.

7. If security is still required under this subsection and an irrevocable letter of credit or surety bond expires or is terminated without substitution, the Department will revoke the applicable person's existing certificate and request that the Department of Legal Affairs proceed by injunction to prevent such person from doing business in the state until substitute security is posted.

8. No interest will be paid by the state to any person for the deposit of any security under this subsection.

(e) Insufficiency of Security. If the Department determines that the amount of any existing security is insufficient to ensure payment of the amount of the tax or fee liability, penalties and interest for which the person is or may become liable, or if the amount of the security is reduced or released whether by judgment rendered or by use of the security to pay the delinquent tax or fee liability, penalties or interest, the Department will provide written notification to the person of the revised amount of security required. The person is required to file an additional security in the amount required by the Department, or request a conference within 30 consecutive calendar days, failing which the Department will revoke any existing registration. If a new security is furnished, the Department, as appropriate, will cancel, surrender, or discharge the previous security, for which the new security is substituted.

(f) Security Duration. If the person complies with its tax or fee liability for a period of twelve consecutive months, upon written request, the Department will release the surety bond or irrevocable letter of credit. A person requesting the return of a cash deposit must file Form DR-29, Application for Release or Refund of Security (incorporated by reference in Rule 12A-1.097, F.A.C.). If the person ceases operation of the business during the time the security is being held by the Department, a written request must be made within 90 days of ceasing operations, requesting the return of the deposit or release of the surety bond or irrevocable letter of credit. The Department will offset any reimbursements of security under this subsection against any outstanding tax or fee liability of the person.

(g) Delinquent Payments. If any person is delinquent more than 30 days in the payment of its tax or fee liability, the Department is authorized to initiate an action to seek release of moneys from the security held by the Department.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History--Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 4-17-03, 6-12-03, \_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2) through (7)	No change.	

(8) DR-17A	Certificate of Cash Deposit/Cash Bond (R. _____)	_____
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(8) through (10) renumbered (9) through (11) No change.

(12) DR- 29	Application for Release or Refund of Security (R. _____)	_____
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(11) through (23) renumbered (13) through (25) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) F.S. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.08(1)(a), 201.01, 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-85.004  
 RULE TITLE: Logo Sign Program  
 PURPOSE AND EFFECT: The amendment to Rule 14-85.004, F.A.C., is limited to paragraph (11)(e) and subsection (12). These sections are amended to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal, consistent with other sections of Chapter 479, Florida Statutes.  
 SUBJECT AREA TO BE ADDRESSED: This is an amendment to paragraph 14-85.004(11)(e) and subsection (12), to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal.

SPECIFIC AUTHORITY: 479.08, 479.261, 334.044(2) FS.  
 LAW IMPLEMENTED: 334.044(28), 479.08, 479.261 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the permit will be revoked ~~expire and the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.~~

(12) Denial, ~~denial of renewal~~, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if the business does not meet the eligibility requirements outlined in this rule.

~~1. Space is not available;~~

~~2. The business does not meet the eligibility requirements;~~

or

~~(b) Denial of Renewal. Renewal will be denied if applicable permit fee(s) are not received by the Program Administrator by 5:00 p.m. on December 1.~~

~~(b)(e)~~ Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this rule chapter and has not received requested a suspension or if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.

~~2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.~~

~~2.3. Prior to revoking a logo permit, the Program Administrator shall issue by certified mail a Notice of Intent to Revoke for Noncompliance. This notice shall state the noncompliance found and provide the following: The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.~~

a. The permittee shall have 30 days from receipt of the Notice of Intent to Revoke for Noncompliance to correct the noncompliance and present evidence to the Department of such correction.

b. If corrective action is not accomplished within the 30 day period, the revocation becomes final agency action.

c. The business logo sign shall be removed from the logo structure(s) after the revocation is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis. The business is required to pay the permit fee(s) on a monthly pro rata basis, for all logo signs displayed, pending final agency action or final disposition of any request for administrative hearing.

~~(c)(d)~~ Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in subparagraph (12)(b)(e)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with paragraph (12)(b), above.

(d)(e) Voiding. If the Department or the Program Administrator must remove logo structures pursuant to paragraph (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

(e)(f) Notice. In cases of denial, ~~denial of renewal~~, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, F.S.

~~1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:~~

~~a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.~~

~~b. If corrective action is not accomplished within the 30 day period, the Program Administrator shall issue a notice of intent to revoke the permit.~~

~~2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis.~~

(f)(g) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) through (b) No change.

Specific Authority 479.08, 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.08, 479.261 FS. History--New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, 12-25-05,\_\_\_\_\_.

**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."

**BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.008	Applications for Lease
18-21.011	Payments and Fees

PURPOSE AND EFFECT: To simplify the method under which fees are assessed for the use of sovereignty submerged lands; to change the standard sovereignty submerged land lease term; and to clarify, add, or delete definitions related to fees and lease terms. These rule amendments will create criteria to be used in fee calculations and eliminate the requirement to report and submit six percent of the income generated on sovereignty submerged lands. The amendments will also increase the standard term for a sovereignty submerged land lease to ten years and clarify any definitions affected by the rule changes.

SUBJECT AREA TO BE ADDRESSED: Simplifying fees for sovereignty submerged lands use, extending the standard lease term and clarifying definitions.

SPECIFIC AUTHORITY: 253.03(7), 253.03(11) FS.

LAW IMPLEMENTED: 253.03(11) FS.

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

DATE AND TIME: November 13, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Conference Room A, 1st floor (Marjory Stoneman Douglas Building).

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: Vicki Thompson at MS 130, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2720, Vicki.Thompson@dep.state.fl.us. 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: After November 6, 2007, from Vicki Thompson, address above, and on the Department's Division of State Lands website at [www.dep.state.fl.us/lands](http://www.dep.state.fl.us/lands)

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.659  
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to adopt revised Water Use Permit application forms to require business entity applicants to identify the type of business entity and the name and title of the person signing the application on behalf of the business entity applicant, and to attach documentation of the business entity's authority to do

business in the state of Florida. The effect will be to ensure that Water Use Permits are issued accurately to business entities authorized to do business in Florida.

**SUBJECT AREA TO BE ADDRESSED:** Information required for completing and submitting Water Use Permit applications to the District.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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:** Martha A., Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) through (7) No change.

(8) **GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY**

FORM NO. WUP-1 FORM 46.20-0024 (\_\_\_\_) ~~(12/98)~~

(9) **GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY**

FORM NO. WUP-2 FORM 46.20-0032 (\_\_\_\_) ~~(12/98)~~

(10) **INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER**

FORM NO. WUP-3 FORM 46.20-0043 (\_\_\_\_) ~~(12/98)~~

(11) through (20) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 9-27-07,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE NO.:** 40D-8.624  
**RULE TITLE:** Guidance and Minimum Levels for Lakes

**PURPOSE AND EFFECT:** To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Establishment of minimum lake levels and guidance levels for King Lake, King Lake (East) and Lake Linda in Pasco County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lakes.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

**DATE AND TIME:** November 14, 2007, 6:30 p.m.

**PLACE:** Land O' Lakes Community Center, 5401 Land O'Lakes Boulevard (U.S. Highway 41), Land O'Lakes, Florida 34639-3414

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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:** Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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



**LAND AND WATER ADJUDICATORY COMMISSION**

**Poinciana Community Development District**

RULE NO.: 42AA-1.002  
 RULE TITLE: Boundary

**PURPOSE AND EFFECT:** The Petition, as supplemented, was filed by the Poinciana Community Development District. The District proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. After expansion, the District will encompass approximately 3,240 acres. There are no lands within the expansion parcel that are to be excluded from the District. The development plan that was included in the original Petition to establish the District consisted of 5,600 residential units and 140,000 square feet of commercial and office space. The proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

**SUBJECT AREA TO BE ADDRESSED:** Expansion of the boundary of the Poinciana Community Development District.

**SPECIFIC AUTHORITY:** 190.005, 190.046 FS.

**LAW IMPLEMENTED:** 190.004, 190.005, 190.046 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:** Tuesday, November 13, 2007, 2:00 p.m.

**PLACE:** The Capitol, Room 2103, Tallahassee, Florida 32399

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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. 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:** Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Communications and Information Technology Services**

RULE NOS.:	RULE TITLES:
60FF-1.001	Purpose; Definitions
60FF-1.002	Third Party Subscriber Classifications
60FF-1.003	Application Process
60FF-1.004	Frequencies and Licenses
60FF-1.005	System Use
60FF-1.006	Security, Encryption Requirements, Radio Programming, and System Key Management

**PURPOSE AND EFFECT:** To consider development of a new rule chapter establishing procedures to allow eligible users to utilize the Statewide Law Enforcement Radio System.

**SUBJECT AREA TO BE ADDRESSED:** The Statewide Law Enforcement Radio System.

**SPECIFIC AUTHORITY:** 282.102(9) FS.

**LAW IMPLEMENTED:** 282.1095 FS.

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

**DATE AND TIME:** November 28, 2007, 9:30 a.m.

**PLACE:** Capital Circle Office Center, Room 301, 4030 Esplanade Way, Tallahassee, Florida 32399

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 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2707; Suncom 278-2707. 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:** Linda Fuchs, Project Management Office, DMS Communications and Information Technology Services, 4030 Esplanade Way, Suite 180, Tallahassee, Florida 32399-0950; Linda.fuchs@dms.myflorida.com; (850)488-8036

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:	RULE TITLE:
61C-1.002	Licensing and Inspection Requirements

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to change the license renewal dates for public food service and public lodging establishments and delete reference to an incorporated form that is no longer needed in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses public food service and lodging establishment license renewal.

SPECIFIC AUTHORITY: 509.032, 509.241 FS.

LAW IMPLEMENTED: 213.0535, 509.032, 509.241, 509.251, 559.79 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.002 Licensing and Inspection Requirements.

(1) through (5) No change.

(6) Renewal – It is the responsibility of the licensee to renew the license prior to the expiration date. ~~The division makes available to all licensees BPR form 21-021, APPLICATION FOR LICENSE RENEWAL, incorporated herein by reference and effective 3-31-94, which contains all information required by law to renew the license.~~ Any public lodging or food service establishment operating on an expired license is deemed to be operating without a license, and subject to the penalties provided by ~~for this offense in law and rule.~~ Beginning in 2008, all public food service establishment licenses will expire on and must be renewed by December 1 annually. Beginning in 2009, all public lodging establishment licenses will expire on and must be renewed by May 1 annually. These expiration dates will replace the schedule in paragraphs (a) through (g) below. The expiration date of licenses in current status will be extended for the period of time necessary to bring each district into alignment with the new expiration dates. The division will provide each affected establishment in current status with a new license indicating the extended expiration date before their license expires. Until a license indicating the new December 1 or May 1 expiration date is issued, the following annual ~~Annual~~ renewal schedule applies ~~dates for all establishments in the counties indicated are~~ as follows:

(a) through (g) No change.

(7) through (8) No change.

Specific Authority 509.032~~(2)(d), (6)~~, 509.241~~(4)~~ FS. Law Implemented 213.0535, 509.032~~(2)(a), (d), (e), (6)~~, 509.241~~(4), (3)~~, 509.251, 559.79~~(4)~~ FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, 9-9-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NOS.:	RULE TITLES:
61G1-22.001	Interior Design Professional Experience Requirements
61G1-22.003	Education Requirements for Interior Designers

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

SUBJECT AREA TO BE ADDRESSED: Interior Design Professional Experience Requirements; Education Requirements for Interior Designers.

SPECIFIC AUTHORITY: 481.203(8), 481.209(2), 481.2055 FS.

LAW IMPLEMENTED: 481.203(8), 481.209(2), 481.2055 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-4.002	Content of Examination
61G17-4.003	Grading Criteria and Procedures
61G17-4.004	Grading
61G17-4.006	Grades Review Procedure
61G17-4.007	Re-examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to consider deletion of the essay portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Consideration of deletion of the essay portion of the examination.

SPECIFIC AUTHORITY: 455.217(1), (2), 472.013 FS.

LAW IMPLEMENTED: 455.217(1), (2), 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-6.002	Definitions
61G17-6.003	General Survey, Map, and Report Content
61G17-6.004	Topographic Survey, Map, and Report

PURPOSE AND EFFECT: The Board proposes the rule amendment to review regulatory objectives and minimum technical standards.

SUBJECT AREA TO BE ADDRESSED: Review of regulatory objectives and minimum technical standards.

SPECIFIC AUTHORITY: 472.008, 472.015, 472.027, 472.033(1)(h) FS.

LAW IMPLEMENTED: 472.015, 472.027, 472.033(1)(h) 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**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 HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-8.017	Citation Authority

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the appropriate penalty for failure to document CME violations.

SUBJECT AREA TO BE ADDRESSED: CME citation violations.

SPECIFIC AUTHORITY: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations. (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. Respondent's continuing education courses will be audited for the next two biennial to ensure compliance with renewal requirements; AND

- (b) Failure to comply with a CME audit. \$500 fine and compliance with the CME audit within 10 days. (Sections 456.072(1)(e), (s), F.S.)
- 1. Failure to document required HIV/AIDS and related infections of TB CME. \$250 fine
- 2. Failure to document required domestic violence CME. \$250 fine
- 3. Failure to document required medical errors CME. \$250 fine
- 4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence ~~and medical errors~~ CME. \$500 fine
- 5. Documentation of some, but not all, 40 hours of required CME for license renewal. \$50 fine for each hour not documented

(c) through (q) No change.

(4) through (5) No change.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, 2-7-05, 1-4-06, 7-3-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-13.005  
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the current five most mis-diagnosed medical conditions.

SUBJECT AREA TO BE ADDRESSED: The five most mis-diagnosed medical conditions for purposes of continuing medical education in prevention of medical errors.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(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 IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (b) No change.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. While wrong site/wrong procedure surgery continues to be the most common basis for quality of care violations, the ~~The~~ following areas have been determined as the five most mis-diagnosed conditions: ~~wrong site/patient surgery~~; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and stroke and related cranial conditions ~~failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.~~

(2) through (11) No change.

Specific Authority 456.013(6), (7), 456.031(4), ~~458.309, 458.319~~ FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-12.011  
 RULE TITLE: Regulations Governing the Establishment and Operation of Game Farms

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 372.16, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUBJECT AREA TO BE ADDRESSED: Establishment and operation of game farms in Florida.  
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.16 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: Captain Linda E. Harrison, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Florida Elections Commission

RULE NO.: 2B-1.002  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule amendments are intended to include Chapter 106 in the definition rule.

SUMMARY: The proposed rule amendments clarify that the definitions include Chapter 106, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104 or 106, F.S, the following definitions shall apply:

(1) A person acts "willful" or "willfully" when he or she knew that, or showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104 or 106, F.S.

(2) "Knew" means that the person was aware of a provision of Chapter 104 or 106, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) "Reckless disregard" means that the person disregarded the requirements of Chapter 104 or 106, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104 or 106, F.S., or whether he or she failed to perform an act required by Chapter 104 or 106, F.S.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History--New 9-11-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Elections Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Elections Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

### DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-46.001  
RULE TITLE: Utilities Installation or Adjustment

PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised Utility Accommodation Manual and revised Utility Permit form.

SUMMARY: The Utility Accommodation Manual is being amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.