

Section I**Notices of Development of Proposed Rules
and Negotiated Rulemaking****DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES****Division of Plant Industry**

RULE NO.: RULE TITLE:
5B-57.012 Casuarina Cunninghamiana
 Windbreaks

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for propagating male Casuarina cunninghamiana trees in nurseries to be used as windbreaks around commercial citrus groves, and permitting procedures that grove owners or operators must follow to plant and maintain Casuarina cunninghamiana windbreaks in designated areas of Indian River, Martin and St. Lucie Counties. The effect will be to provide fast growing trees to serve as windbreaks to protect citrus groves in those counties from the spread of citrus canker disease while ensuring that the Casuarina cunninghamiana trees will not spread into and disrupt the environment.

SUBJECT AREA TO BE ADDRESSED: This rule requires nurseries to obtain a permit from the department in order to propagate Casuarina cunninghamiana trees. It requires the trees to be vegetatively propagated from registered source trees that have been certified as male trees by the department. It also requires citrus growers in the three counties to obtain a permit from the department in order to plant Casuarina cunninghamiana windbreaks. It establishes requirements for maintenance of the windbreak plantings, and destruction of the windbreaks if they are no longer properly maintained, the grove is no longer operating, or hybridization is found to occur. It also establishes fees for the permits.

SPECIFIC AUTHORITY: 570.07(23), 570.32(5), (6), 581.031(1), (3), (8), 581.091(5) FS.

LAW IMPLEMENTED: 570.07(2), (13), 581.031(1), (17), 581.091 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.

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 7 days before the workshop/meeting by contacting: Richard Gaskalla, Director, (352)372-3505. 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: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S.W. 34th Street, Gainesville, Florida 32608, (352)372-3505

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

DEPARTMENT OF REVENUE

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 12-18.001 | Authorization for Compensation |
| 12-18.002 | Eligibility to File Claim for Compensation |
| 12-18.004 | Submission of Information and Claims for Compensation |
| 12-18.008 | Compensation for Vending Machine Violations |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.001, F.A.C. (Authorization for Compensation), is to clarify the taxes, surtaxes, surcharges, and fees for which the Department is authorized to pay compensation for information on tax violations.

The purpose of the proposed amendments to Rule 12-18.002, F.A.C. (Eligibility to File Claim for Compensation), is to provide that a completed Form DR-55, Application for Compensation for Tax Information, will establish the applicant's priority to any claim for compensation.

The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to: (1) adopt revisions to Form DR-55 necessary to assure that only those informants authorized to receive compensation for information on tax violations are paid the authorized amount of compensation; and (2) update information on how to obtain a copy of the form from the Department.

The purpose of the proposed amendments to Rule 12-18.008, F.A.C. (Compensation for Vending Machine Violations), is to update information on where to send information on tax violations.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the clarification of the taxes, surtaxes, surcharges, and fees for which the Department is authorized under Section 213.30, F.S., to pay compensation for tax violation information; and (2) the clarification of those persons who are authorized to receive compensation for tax violation information.

SPECIFIC AUTHORITY: 212.0515(8), 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 92.525(2), 212.0515, 213.30 FS.

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

DATE AND TIME: December 9, 2008, 10:00 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, IF AVAILABLE, IS: Janet 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 PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules

DEPARTMENT OF REVENUE

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12-24.001 | Scope of Rules |
| 12-24.002 | Definitions |
| 12-24.003 | General Requirements |
| 12-24.004 | Enrollment |
| 12-24.005 | Methods of Payment by Electronic Means |
| 12-24.007 | Electronic Payment Transmission Errors |
| 12-24.008 | Procedures for Payment |
| 12-24.009 | Due Date; General Provisions |
| 12-24.010 | General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Part I (Electronic Funds Transfer and Return Submission) of Rule Chapter 12-24, F.A.C., is to: (1) incorporate the provisions of Sections 14 and 30, Chapter 2007-106, L.O.F., which lower the annual threshold from \$30,000 or more annually in tax to \$20,000 or more annually in tax (for communications services tax, \$50,000 to \$20,000); (2) incorporate the provisions of Sections 30-32, Chapter 2007-106, L.O.F., which require those corporations who are required to file their federal income tax returns electronically to file their Florida corporate income tax returns with the Department electronically; and (3) to update the list of taxes, surtaxes, surcharges, and fees for which the Department is requiring electronic tax payments and returns.

The proposed amendments to Rule 12-24.001, F.A.C. (Scope of Rules), include the statutory provisions regarding the electronic filing of returns and information reports that track the movement of fuel in Florida and the statutory provisions regarding the electronic filing of Florida corporate income tax returns.

The proposed amendments to Rule 12-24.002, F.A.C. (Definitions): (1) add a definition for "tax collector"; (2) change the term "preparer" to "unemployment tax agent," to distinguish a person who prepares unemployment tax returns from a person who prepares tax returns in general; (3) remove definitions that are unnecessary; and (4) update the list of taxes, surtaxes, surcharges, and fees administered by the Department that are included in the definition of "tax type" for purposes of the rule chapter.

The proposed amendments to Rule 12-24.003, F.A.C.: (1) change the title of the rule to "Requirements to File or to Pay Taxes by Electronic Means" to more accurately reflect the provisions contained in the rule; (2) update the list of tax types for which taxpayers are required to pay electronically, to file returns electronically, or to pay and file electronically; (3) lower the annual threshold from \$30,000 or more annually in tax to \$20,000 or more annually in tax (for communications services tax, \$50,000 to \$20,000), as provided in Sections 14 and 30, Chapter 2007-106, L.O.F.; (4) implement the provisions of Section 206.485, F.S., which require taxpayers who report information for tracking movements of petroleum products in Florida to file tax returns and information reports electronically; (5) incorporate the provisions of Sections 30-32, Chapter 2007-106, L.O.F., which require those corporations who are required to file their federal income tax returns electronically to file their Florida corporate income tax returns electronically using the Internal Revenue Service's e-File program; (6) provide that corporations who paid more than \$20,000 in corporate income/emergency excise tax to file their Florida corporate income tax returns using the Internal Revenue Services e-File program; (7) provide the tax types that are required to be paid and filed electronically by tax collectors who collect public money; and (8) provide that the Department will notify taxpayers and unemployment tax agents who initially meet the requirements to file and pay electronically at their last known address.

The proposed amendments to Rule 12-24.004, F.A.C. (Enrollment): (1) remove provisions from this rule that are redundant of Rule 12-24.005, F.A.C.; (2) provide that the Department will notify taxpayers and unemployment tax agents who initially meet the requirements to file and pay electronically and those that are voluntarily enrolled, but will be required to file and pay electronically; (3) provide that the Department uses social security numbers as identifying numbers and is required to maintain social security numbers as

confidential; and (4) remove the incorporation of Form DR-600, which will be incorporated into new Rule 12-24.011, F.A.C.

The proposed amendments to Rule 12-24.005, F.A.C. (Methods of Payment by Electronic Means), remove an obsolete reference to use of the ACH credit method on January 1, 2003.

The proposed amendments to Rule 12-24.007, F.A.C. (Electronic Payment Transmission Errors), remove provisions regarding the annual calendar of dates for electronic payments and returns provided by the Department.

The proposed amendments to 12-24.008, F.A.C. (Procedures for Payment), change the terms "company and identification number" and "payment identification number" to "user information."

The proposed amendments to Rule 12-24.009, F.A.C. (Due Date; General Provisions), provide that the Department will provide an annual calendar of dates for electronic payments and returns to assist taxpayers in meeting all statutory requirements for timely electronic payments and returns.

The proposed amendments to Rule 12-24.010, F.A.C. (General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements): (1) remove the requirements to taxpayers to request in writing to voluntarily participate in electronically paying and filing of taxes and tax returns; and (2) update the list of statutory references under which taxpayers can establish the grounds for a waiver from electronic filing requirements.

The purpose of proposed new Rule 12-24.011, F.A.C. (Public Use Forms), is to adopt, by reference, forms used by the Department in administration of the e-Services.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the requirements to pay taxes by electronic means and to file tax returns and reports by electronic means with the Department.

SPECIFIC AUTHORITY: 202.26(3)(a), 206.485(1), 213.06, 213.755(8), (9), 220.21(2), (3) FS.

LAW IMPLEMENTED: 202.28, 202.30, 206.485, 212.12, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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DATE AND TIME: December 9, 2008, 10:00 a.m.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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DEPARTMENT OF REVENUE

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12-28.001 | Scope |
| 12-28.002 | Definitions |
| 12-28.003 | Enrollment Procedures |
| 12-28.004 | Method of Transferring Funds and Associated Remittance Information |
| 12-28.005 | Means of Communication to Report Payment Information |
| 12-28.006 | Remittance or Transmission Problems |
| 12-28.007 | Procedures for Payment |
| 12-28.008 | Due Date; General Provisions |
| 12-28.009 | Distribution of Funds Received by the Department |

PURPOSE AND EFFECT: Section 213.13, F.S., requires the Department of Revenue and the Florida Association of Court Clerks to jointly develop an electronic system to remit taxes, fees, fines, reimbursements, court costs, or other court-related funds to the Department for distribution to designated state funds. That system was developed in 2001 and has been in operation since that date. Improvements have been made to the procedures employed to use the electronic remittance system that simplify the use of the system. The purpose of the proposed amendments to Rule Chapter 12-28, F.A.C. (Clerks of the Court Remittance Requirements), is to update the procedures to reflect the improvements to the Clerk of the Court Revenue Remittance System.

Specifically, the proposed amendments to Rule 12-28.001, F.A.C. (Scope), provide technical changes.

The proposed amendments to Rule 12-28.002, F.A.C. (Definitions): (1) add or amend definitions for the terms "electronic funds transfer," "payment information," "return/remittance detail," "session," and "working day" and remove definitions that are unnecessary.

The proposed amendments to Rule 12-28.003, F.A.C. (Enrollment Procedures), update the information on how a clerk of the court or his or her authorized designee is to enroll in the Department's e-Services program and how to obtain the enrollment form from the Department.

The proposed substantial rewording of Rule 12-28.004, F.A.C. (Transmitting Funds and Return/Remittance Detail to the Department), updates the procedures for the electronic remittance of funds and the detail remittance information by the clerk of the court to the Department and provides current requirements to report transmission problems and to replace failed payments. When in effect, this substantial rewording will replace the provisions that are provided in Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information), Rule 12-28.006, F.A.C. (Remittance or Transmission Problems), and Rule 12-28.007, F.A.C. (Procedures for Payment). These rules are proposed to be repealed.

The proposed substantial rewording of Rule 12-28.008, F.A.C. (Due Date; General Provisions), clarifies that funds collected by the clerk of the court are to be remitted to the Department as follows: (1) documentary stamp tax and nonrecurring intangible personal property tax are to be remitted weekly; (2) court-related fees, service charges, court costs, and fines are to be remitted monthly; and (3) the cumulative excess over the approved budget amount, as provided in Section 28.36, F.S., is to be remitted annually on the last working day before December 31. The proposed rule provides information on how to obtain the annual calendar of due dates that is developed by the Department to assist the clerks in complying with their statutory requirements for the remittance of funds to the Department.

The proposed amendments to Rule 12-28.009, F.A.C. (Distribution of Funds Received by the Department), provides: (1) that the Department will make the required entries in the state accounting system within two working days of receiving an accurate payment; and (2) the Department will assist agencies in correcting errors in deposits to other agencies.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the procedures used to administer the Clerk of the Court Revenue Remittance System.

SPECIFIC AUTHORITY: 213.13 FS.

LAW IMPLEMENTED: 28.245, 28.36, 28.37(4), 213.13, 213.131, 219.07 FS.

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DEPARTMENT OF REVENUE

Sales and Use Tax

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12A-1.029 | Labels and Other Printed Matter Sold to Manufacturers |
| 12A-1.036 | Furniture and Storage Warehousemen |
| 12A-1.040 | Sales of Containers, Wrapping and Packing Materials and Related Products |
| 12A-1.075 | Deposits |

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.029, F.A.C. (Labels and Other Printed Matter Sold To Manufacturers), is to move provisions for sales of the following items to the substantial rewording of Rule 12A-1.040, F.A.C. (Containers and Other Packaging Materials; Gift Wrapping): (1) the sale of labels, name plates, and packing inserts used as packaging materials; (2) the sale of direction sheets and instruction books or manuals that provide instructions and accompany the product for sale; and (3) the sale of tangible advertising materials.

The purpose of the proposed amendments to Rule 12A-1.036, F.A.C. (Furniture and Storage Warehousemen), is to: (1) clarify that charges by warehousemen for moving, storing, packing, and shipping tangible personal property belonging to other persons are not subject to tax; (2) warehousemen who sell packaging materials and other items are required to register as dealers and collect sales tax on sales of taxable items; (3) provide that the payment of a claim for damaged merchandise is not a sale of tangible personal property; (4) provide that warehousemen who operate a business location to sell tangible personal property must collect tax on sales of tangible personal property; and (5) provide that the purchase of boxing, crating, shipping, and packaging materials for use by the warehousemen in performing their services of moving, storing, packing, and shipping tangible personal property belonging to other persons is subject to tax.

The purpose of the proposed amendments to Rule 12A-1.040, F.A.C. (Containers and Other Packaging Materials; Gift Wrapping), is to provide a single administrative rule regarding the taxability of containers and other packaging materials items that accompany a product for sale, the taxability of tangible

advertising materials that accompany a product for sale, and the taxability of items used in gift wrapping. When in effect, the provisions of the substantial rewording will provide for the administration of sales and use tax for the following:

- Materials used for packaging tangible personal property for sale;
- Instructional materials that accompany the product when sold to customers;
- Tangible advertising materials that accompany the product to the customer;
- Containers used more than one time for packaging tangible personal property;
- Deposits charged for reusable containers and the taxability of those containers;
- Dunnage used to protect packages and cargo during shipment;
- Materials used by persons who are not required to collect tax for services provided to their customers; and
- Charges for gift wrapping and the taxability of materials used in gift wrapping.

The purpose of the proposed repeal of Rule 12A-1.075, F.A.C. (Deposits), is to move the provisions regarding the taxability of charges for returnable containers to the substantial rewording of Rule 12A-1.040, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the proposed provisions regarding the taxability of: (1) materials, containers, labels, sacks, bags, or similar items intended to accompany a product for sale, as provided in Section 212.02(14)(c), F.S.; (2) tangible advertising materials, as provided in Section 212.02(14)(b), F.S.; and (3) the taxability of containers that are to be returned by the purchaser to the seller and the taxability of deposits by customers for returnable containers.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 212.02(14), (15), (16), (18)-(21), 212.05(1)(b), 212.06(1)(a), 212.07(1)(b), 212.08(7)(v), 212.18(3) FS.

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DATE AND TIME: December 9, 2008, 10:00 a.m.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

12A-15.002

12A-15.010

12A-15.011

12A-15.012

RULE TITLES:

Surtax Brackets

The Sale of Food, Drink, and Tangible Personal Property at Concession Stands

Coin-Operated Amusement and Vending Machines, and Other Devices

Alcoholic and Malt Beverages

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.002, F.A.C. (Surtax Brackets), is to update the information on how to obtain copies of schedules and rate tables from the Department.

The purpose of the proposed amendments to Rule 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), is to provide the applicable divisor rates for counties that may impose discretionary sales surtaxes at the rates of 1 3/4 percent or 2 percent for purposes of computing sales tax, plus surtax, due on sales by concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), is to provide the divisors for counties that may impose discretionary sales surtaxes at the rate of 1 3/4 percent or 2 percent for purposes of computing the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines and on charges for the use of amusement machines.

The purpose of the proposed amendments to Rule 12A-15.012, F.A.C. (Alcoholic and Malt Beverages), is to: (1) provide the applicable divisor rates for counties that may impose discretionary sales surtaxes at the rates of 1 3/4 percent or 2 percent to be used for purposes of computing sales tax, plus surtax, due on sales of alcoholic beverages; (2) correct the divisor for counties that may impose a surtax rate of 1/4 percent on alcoholic beverages by dealers who do not sell mixed drinks; and (3) provide effective rates and applicable divisors for counties that may impose discretionary sales surtax rates at 1 3/4 percent or 2 percent.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the Department's proposed adoption of discretionary sales surtax rates and divisors to be used by concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business, taxpayers who make sales of food, beverages, and other items of tangible personal property through vending machines, taxpayers who charge for the use of amusement machines, and dealers who sell alcoholic beverages.

SPECIFIC AUTHORITY: 212.05(1)(h), 212.0515, 212.07(2), 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(16), (24), 212.05(1)(h), 212.0515, 212.054, 212.055, 212.07(2), (4), 212.08(4), 212.12(9), (10), (11), 212.15(1), (4), 212.18(3) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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

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DEPARTMENT OF REVENUE

Sales and Use Tax

| | |
|------------------|--------------------|
| RULE NO.: | RULE TITLE: |
| 12A-17.003 | Registration |

PURPOSE AND EFFECT: Section 5, Chapter 2008-69, L.O.F., requires the Department to release, upon the request of a local law enforcement official, the name and address of any secondary metals recycler registered with the Department within the local official's jurisdiction. The purpose of the proposed amendments to Rule 12A-17.003, F.A.C. (Registration), is to update the list of information regarding secondhand dealers and secondary metals recyclers that the Department may release to requesting local law enforcement officials. This law change authorizes the Department to

provide registration information regarding secondary metals recyclers that is currently provided regarding secondhand dealer registrants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the authorization provided to the Department under Section 5, Chapter 2008-69, L.O.F., to release to requesting local law enforcement information regarding secondary metals recyclers.

SPECIFIC AUTHORITY: 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 213.053(9), (11), 538.09, 538.11, 538.25, 538.26 FS.

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DEPARTMENT OF REVENUE

Miscellaneous Tax

| | |
|-------------------|----------------------------------|
| RULE NOS.: | RULE TITLES: |
| 12B-5.020 | Definitions; Specific Exemptions |
| 12B-5.130 | Refunds |
| 12B-5.150 | Public Use Forms |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.020, F.A.C. (Definitions), is to update definitions for the terms "fuel," "fuel grade ethanol," and "gasohol" for purposes of determining when a product blended with gasoline is a "fuel" subject to Florida's fuel taxes. Standards established by the federal Bureau of Alcohol, Tobacco, and Firearms distinguish products containing alcohol fit for human consumption from those that are not fit for human consumption and are used as a fuel. Products containing 100% alcohol can be consumed by humans as an alcoholic beverage. These products are subject to federal and state beverages taxes. Products that are blended with at least

1% gasoline, such as “denatured ethanol,” are not fit for human consumption and are not subject to the beverage taxes. The proposed amendments clarify that “fuel grade ethanol,” defined as ethanol with no less than 1% gasoline, is a fuel subject to Florida’s fuel taxes.

The proposed amendments include ethanol-blended fuel containing not less than 9% ethanol as “gasohol,” a product subject to Florida’s fuel taxes. The Florida Renewable Fuel Standard Act (Sections 101-107, Chapter 2008-227, L.O.F., creating Sections 526.203-526.207, F.S.) requires terminal suppliers, importers, blenders, and wholesalers to report to the Department of Revenue the number of gallons of “blended gasoline” (mixture of gasoline and 9-10% fuel ethanol) and “unblended gasoline” (gasoline containing no fuel ethanol) sold. The total number of gallons sold in Florida is reported to the Florida Department of Agriculture and Consumer Services monthly. The proposed definitions for “fuel grade ethanol” and “gasohol” are consistent with the definitions for “blended gasoline” and “unblended gasoline.”

The purpose of the proposed creation of Rule 12B-5.121, F.A.C. (Temporary Licenses Issued Under a Declared Emergency), and 12B-5.401, F.A.C. (Temporary Pollutants Importer License Issued Under a Declared Emergency), is to implement the authority granted to the Department in Sections 15-17, Chapter 2007-106, L.O.F., to authorize the granting of temporary fuel and pollutants licenses when the Governor of Florida or the President of the United States has declared a state of emergency or major disaster in Florida or in any other state. This law temporary expands the number of dealers authorized to provide fuel in Florida or to export fuel to other states in their time of need. The proposed rules provide: (1) when a temporary Florida fuel or pollutants license will be granted by the Department and how fuel dealers may obtain a temporary license from the Department; (2) when an extension of the temporary license will be granted and how to obtain an extension of the expiration date of a license; (3) the Florida fuel and pollutant taxes that must be collected and remitted to the Department by temporary importers, temporary exporters, and temporary carriers; (4) for the reporting and remitting of the applicable fuel and pollutant taxes to the Department; and (5) when a refund of previously paid Florida fuel or pollutant taxes is available to temporary licensees and how to obtain the refund from the Department.

The purpose of the proposed amendment to Rule 12B-5.130, F.A.C. (Refunds), is to implement the provisions of Sections 1-2, Chapter 2007-31, L.O.F. Effective July 1, 2007, any person who uses motor fuel in vehicles or equipment for commercial aviation purposes may apply for a refund of the local option fuel tax, the State Comprehensive Enhanced Transportation System Tax (SCETS tax), and the fuel sales tax, imposed under paragraphs 206.41(1)(e), (f), and (g), F.S. “Commercial aviation purposes” means motor fuel used in the

operation of aviation ground support vehicles or equipment, no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of Florida.

The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, new Form DR-156T, Florida Temporary Fuel Tax Application, used by fuel dealers to obtain a temporary Florida license.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed rule amendments necessary to: (1) update definitions for the terms “fuel,” “fuel grade ethanol,” and “gasohol” for purposes of determining when a product blended with gasoline is a “fuel” subject to Florida’s fuel taxes; (2) implement the provisions of Sections 1 and 2, Chapter 2007-31, L.O.F., which provides for a refund of tax paid on motor fuel used in the operation of aviation ground support vehicles or equipment; and (3) implement the authority granted to the Department in Sections 15-17, Chapter 2007-106, L.O.F., to authorize the granting temporary fuel and pollutants licenses when the Governor of Florida or the President of the United States has declared a state of emergency or major disaster in Florida or in any other state.

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 206.8745(6), 213.06(1), 526.206 FS.

LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.051(4), 206.052, 206.055, 206.095, 206.404, 206.41, 206.43, 206.62, 206.64, 206.86, 206.87, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.97, 206.9925, 206.99825(1)(a), 206.9931, 206.9942, 206.9943, 213.255(2), (3), 215.26(2), 526.203 FS.

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

DATE AND TIME: December 9, 2008, 10:00 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, IF AVAILABLE, IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules

DEPARTMENT OF REVENUE**Miscellaneous Tax**

| RULE NOS.: | RULE TITLES: |
|-------------------|---------------------------------------|
| 12B-5.030 | Importers |
| 12B-5.040 | Carriers |
| 12B-5.050 | Terminal Suppliers |
| 12B-5.060 | Wholesalers |
| 12B-5.070 | Terminal Operators |
| 12B-5.080 | Exporters |
| 12B-5.090 | Local Government Users |
| 12B-5.100 | Mass Transit Systems |
| 12B-5.110 | Blenders |
| 12B-5.150 | Public Use Forms |
| 12B-5.400 | Producers and Importers of Pollutants |

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule Chapter 12B-5, F.A.C. (Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants), is to: (1) impose the electronic reporting and filing requirements authorized in Section 206.485, F.S., on fuel dealers who hold licenses as importers, petroleum carriers, terminal suppliers, wholesalers, terminal operators, exporters, and blenders; (2) change the method by which terminal suppliers and terminal operators are required to electronically submit their returns and information reports to the Department; (3) clarify the due dates for tax returns and information reports submitted electronically, for tax returns submitted with payments electronically, and for paper returns filed with the Department; and (4) adopt changes to fuel tax and pollutant tax returns and information reports that simplify and clarify instructions, designate each form as a 2009 form, and include the 2009 fuel tax rates.

When effective, the proposed amendments will require importers, carriers, petroleum carriers, terminal suppliers, terminal operators, exporters, and blenders to enroll in the Department's e-Services Program to make payments and submit their tax returns or information reports electronically when obtaining a Florida fuel license. Terminal suppliers and terminal operators will be required to submit their returns by electronic data interchange, as provided in the Florida Department of Revenue Motor Fuels Technical Implementation Guide – ANSI ASC X12 V.4030. Other fuel licensees may select from the methods available to submit their tax returns electronically. The proposed amendments will also clarify the due dates for returns submitted electronically, for returns with payments submitted electronically, and for paper returns submitted to the Department. The ability for the Department to grant waivers on a case-by-case basis from electronic filing requirements is preserved to ensure that fuel licensees who are unable to comply with these requirements are not impacted.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed rule amendments is: (1) the electronic reporting and filing requirements authorized in Section 206.485, F.S., imposed on fuel dealers who hold licenses as importers, petroleum carriers, terminal suppliers, wholesalers, terminal operators, exporters, and blenders; (2) the due dates for tax returns and information reports submitted to the Department; and (3) the updates to forms used by the Department in the administration of fuel and pollutant taxes.

SPECIFIC AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 206.97, 206.9915, 213.06(1), 213.755(8) FS.

LAW IMPLEMENTED: 206.01, 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.051, 206.052, 206.054, 206.055, 206.09, 206.095, 206.199, 206.20, 206.204, 206.205, 206.404, 206.41, 206.413, 206.414, 206.416, 206.43, 206.48, 206.485, 206.62, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.877, 206.89, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9825, 206.9835, 206.9915, 206.9925, 206.9931, 206.9935, 206.9941, 206.9942, 206.9943, 206.9835, 213.755 FS.

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

DATE AND TIME: December 9, 2008, 10:00 a.m.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules

DEPARTMENT OF REVENUE**Miscellaneous Tax**

| RULE NO.: | RULE TITLE: |
|------------------|-----------------------------------|
| 12B-8.001 | Premium Tax; Rate and Computation |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to: (1) make technical corrections, including updating statute references, expiration dates, references, and removing obsolete language regarding the

annuity exemption in effect prior to July 1, 1990; (2) include corporation not for profit self-insurance funds under Section 624.4625, F.S., and Public Housing Authorities Self-Insurance Funds under Section 624.46226, F.S., as entities whose premiums, contributions, and assessments are subject to a 1.6 percent tax; (3) clarify that dividends used to purchase paid-up additions are not an additional gross receipt; (4) incorporate information on the Florida Life and Health Insurance Guaranty Association Assessment, including payments due as a result of Florida Life and Health Insurance Guaranty Association refunds of prior assessments that were used in the computation of credits by an insurer, and the acceleration of Florida Life and Health Insurance Guaranty Association credits when an insurer surrenders its certificate of authority and ceases doing business in Florida; (5) reference Section 624.50921, F.S., for the insurance premium tax credits for assessments paid under Chapter 440, F.S., and the corporate income tax paid under Chapter 220, F.S.; and (6) provide general information on the salary tax credit exceptions.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop is the: (1) corporation not for profit self-insurance funds; (2) dividends used to purchase paid-up additions; (3) Florida Life and Health Insurance Guaranty Association credit; (4) statute of limitations and amended insurance premium tax returns; (5) salary tax credit exceptions.

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 288.99(11), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

DATE AND TIME: December 9, 2008, 10:00 a.m.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert

DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules

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."

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: **RULE TITLE:**

40C-1.603 Permit Fees

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to: (1) adopt and charge the minimum fee of \$250 for all noticed general environmental resource permits contained in Chapter 40C-400, F.A.C., as set forth in Section 373.109(1)(b) F.S.; (2) adopt and charge the minimum fee of \$100 for District verification that an activity is exempt from regulation under part IV of chapter 373, F.S., or Section 403.813, F.S., as set forth in Section 373.109(1)(c), F.S.; (3) adopt and charge the minimum fee of \$100 for the District conducting an informal wetland boundary determination, as set forth in Section 373.109(1)(d), F.S.; (4) increase each application fee authorized under Part IV of Chapter 373, F.S., such that each fee reflects the upward adjustment in the Consumer Price Index compiled by the United States Department of Labor since the original fee was established or most recently revised, as set forth in Section 373.109(1)(a), F.S.; (5) establish by rule the inflation index to be used for this purpose (the Consumer Price Index for All Urban Consumers (CPI-U), compiled by the United States Department of Labor), as set forth in Section 373.109(1)(a), F.S.; and (6) clarify that the application fees for propriety authorization to use State-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

This rulemaking implements the recent statutory amendments to Section 373.109, F.S., enacted pursuant to Section 18 of Senate Bill 1294 (2008), (Chapter 2008-150, Laws of Florida). Subsequent to the enactment of these statutory amendments, the Florida Department of Environmental Protection delegated its authority to implement the statutory amendment to the water management districts. These statutory amendments require the following increases in permit application fees and the following new fees under the Environment Resource Permit program of Part IV, Chapter 373, F.S.: a \$250 minimum fee for noticed general environmental resource permits; a new

\$100 minimum fee, not to exceed \$500 if later adopted by rule, to verify qualification for an exemption from regulation; and a new \$100 minimum fee, not to exceed \$500 if later adopted by rule, to conduct an informal wetland boundary determination. Section 373.109(1)(a), F.S., also requires the District to review all of its environmental resource permit (ERP) fees, and to initiate rulemaking no later than December 1, 2008, to increase each application fee authorized under Part IV of Chapter 373, F.S., to ensure that such fees reflect, at a minimum, an upward adjustment in the Consumer Price Index compiled by the United States Department of Labor, or similar inflation indicator, since the original fee was established or more recently revised, and to establish by rule the inflation indicator to be used.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would: (1) increase the fee for all noticed general environmental resource permits to \$250; (2) create a \$100 fee for District verification that an activity is exempt from regulation; (3) create a \$100 fee for an informal wetland boundary determination; (4) increase each application fee authorized under Part IV of Chapter 373, F.S., based on a Consumer Price Index, (5) establish the Consumer Price Index used for calculating those fees increases; and (6) clarify that the application fee for proprietary authorization to use State-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.109, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.109, 373.421(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.

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: Sandy Bertram, Asst. District Clerk (386)329-4127. 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: Norma Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, or nmesser@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (17 44). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) through (4) No change.

(5) Chapter 40C-4, F.A.C., environmental resource permits:

(a) Individual and conceptual permits \$5,410 ~~4,500~~

(b) Mitigation Bank permits and conceptual approvals \$12,040 ~~10,000~~

(c) Applications for Modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is not increased \$1,420 ~~1,000~~

(d) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is increased \$4,260 ~~3,000~~

(e) Requests for modification by letter of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits \$270 ~~250~~

(f) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. Systems which have a project area greater than or equal to 40 acres \$1,800 ~~1,500~~

2. Systems which have a project area of less than 40 acres and greater than one acre \$1,200 ~~1,000~~

3. Systems which have a project area of less than or equal to one acre \$600 ~~500~~

4. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits, where the total land area is not increased \$1,100 ~~1,000~~

5. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual Approval permits, where

| | | | |
|---|---|---|-----------------------------------|
| the total land area of a project is | | one acre | \$280 <u>200</u> |
| Increased | \$3,320 <u>3,000</u> | (b) Stormwater facility serving a project | |
| 6. Requests for modification by letter | | with a total land area greater than one acre | \$490 <u>350</u> |
| of Chapter 40C-40, F.A.C., standard | | Permit applications under Chapter 40C-42, F.A.C., as such rule | |
| environmental resource permits | \$160 <u>150</u> | existed prior to the effective date of the rules adopted pursuant | |
| permits, where the total land area of | | to Section 373.414(9), F.S., that are submitted pursuant to the | |
| a project is not increased | | grandfathering provisions of subsections 373.414(12) through | |
| (g) Chapter 40C-400, F.A.C., noticed | | (16), F.S. | |
| general environmental resource permits | | 1. Stormwater facility serving a project with a | |
| set forth in Rules 40C-400.417 through | | total land area less than or equal to one acre | \$220 <u>150</u> |
| 40C-400.500 <u>40C-400.499</u> , F.A.C. | \$250 <u>100</u> | 2. Stormwater facility serving a project with a | |
| (h) Variances associated with an | | total land area greater than one acre | \$450 <u>300</u> |
| environmental resource permit application | \$550 <u>500</u> | (c) Requests for modification by letter of | |
| (i) Formal Determinations: | | Chapter 40C-42, F.A.C., permits | \$110 <u>100</u> |
| 1. For property less than or equal to | | (7) No change. | |
| 10 acres | \$870 <u>550</u> | (8) Chapters 62-4 and 62-312, F.A.C., wetland resource | |
| 2. For property greater than 10 acres | | management (dredge and fill) permits issued pursuant to the | |
| but less than or equal to 40 acres | \$1,190 <u>750</u> | grandfathering provisions of subsections 373.414(11) through | |
| 3. For property greater than 40 acres | | (16), F.S. | |
| but less than or equal to 120 acres | \$2,380 <u>1,500</u> | (a) General permits | \$150 <u>100</u> |
| 4. For property greater than 120 acres | \$2,380 <u>1,500</u> | (b) Short form permits: | |
| plus \$310 <u>200</u> for each | | 1. Involving the construction of new docking or boardwalk | |
| additional | | facilities, pursuant to Rule 62-312.070, F.A.C., that provide: | |
| 100 acres or | | a. 0-2 new boat slips | \$460 <u>300</u> |
| portion | | b. 3-9 new boat slips | \$770 <u>500</u> |
| thereof | | 2. Involving dredging and filling activities that affect 10 | |
| 5. For properties with an existing | | acres or less of jurisdictional area, pursuant to subsection | |
| formal determination that qualify | | 62-312.070(2), F.A.C.: | |
| for a lower fee in accordance with | | a. Up to and including five years duration | \$770 <u>500</u> |
| subsection 40C-1.1006(7), F.A.C. | \$ <u>350</u> 250 | b. From six years up to and including | |
| (j) No change. | | 10 years duration | \$4,630 <u>3,000</u> |
| (k) Management and storage of surface waters permits | | (c) Standard form permits: | |
| under Chapters 40C-4 and 40C-40, F.A.C., as such rules | | 1. Up to and including five years duration | \$6,170 <u>4,000</u> |
| existed prior to the adoption of rules pursuant to Section | | 2. For six years duration | \$9,260 <u>6,000</u> |
| 373.414(9), F.S., that are submitted pursuant to the | | 3. For seven years duration | \$10,800 <u>7,000</u> |
| grandfathering provisions of subsections 373.414(11) through | | 4. For eight years duration | \$12,350 <u>8,000</u> |
| (16), F.S. | | 5. For nine years duration | \$13,880 <u>9,000</u> |
| 1. Individual and conceptual permits | \$3,550 <u>2,500</u> | 6. For ten years duration | \$15,430 <u>10,000</u> |
| 2. General permits | \$990 <u>700</u> | 7. For 11 years duration | \$16,980 <u>11,000</u> |
| (l) Permit applications and formal determinations which | | 8. For 12 years duration | \$18,520 <u>12,000</u> |
| require wetland delineations pursuant to Section 373.421(7), | | 9. For 13 years duration | \$20,070 <u>13,000</u> |
| F.S., will be charged a supplemental application fee of <u>seven</u> | | 10. For 14 years duration | \$21,610 <u>14,000</u> |
| <u>hundred ten five hundred</u> dollars (\$710 <u>500</u>), in addition to the | | 11. For 15 years duration | \$23,150 <u>15,000</u> |
| application fees above. | | 12. For 16 years duration | \$24,700 <u>16,000</u> |
| (6) Chapter 40C-42, F.A.C., environmental resource | | 13. For 17 years duration | \$26,240 <u>17,000</u> |
| stormwater permits and conceptual approval environmental | | 14. For 18 years duration | \$27,780 <u>18,000</u> |
| resource stormwater permits. | | 15. For 19 years duration | \$29,330 <u>19,000</u> |
| (a) Stormwater facility serving a project | | 16. For 20 years duration | \$30,870 <u>20,000</u> |
| with a total land area less than or equal to | | 17. For 21 years duration | \$32,420 <u>21,000</u> |
| | | 18. For 22 years duration | \$33,960 <u>22,000</u> |

19. For 23 years duration \$35,500 ~~23,000~~
 20. For 24 years duration \$37,050 ~~24,000~~
 21. For 25 years duration \$38,590 ~~25,000~~

(d) or permit applications which involve a combination of fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

- (e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application \$550 ~~500~~
 (f) No change.

(g) A single additional fee of \$770 ~~500~~ shall be required for projects in which monitoring and evaluation to determine success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee will be due at that time. If it is determined after the time of permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(h) Minor modifications of permits that do not require substantial technical evaluation by the District, do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:

1. That consist of transfers of permits or time extensions \$70 ~~50~~
 2. Involving minor technical changes when the existing permit fee is less than \$460.00 ~~\$300.00~~. \$70 ~~50~~
 3. Involving minor technical changes when the existing permit fee is more than or equal to \$460.00 ~~\$300.00~~. \$380 ~~250~~

(9) Chapter 40C-44, F.A.C., environmental resource agricultural system permits:

- (a) Standard General Permits for agricultural operations less than 40 acres \$420 ~~300~~
 (b) Standard General Permits for agricultural operations greater than 40 acres \$1,060 ~~750~~
 (c) Individual Permits \$2,840 ~~2,000~~

(d) Permit applications under Chapter 40C-44, F.A.C., as such rule existed prior to the effective date of the rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of subsections 373.414(12) through (16), F.S.

1. General Permits for agricultural operations

- less than 40 acres \$470 ~~250~~
 2. General Permits for agricultural operations greater than 40 acres \$950 ~~500~~
 3. Individual Permits \$2,860 ~~1,500~~
 (10) and (11) No change.

(12) Application fees for a ~~Authorizations on sovereign submerged lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.; to use State-owned sovereign submerged lands~~

- (a) Consents of Use ~~No Fee~~
 (b) Easements and Licenses ~~\$200~~

(13) For individual, conceptual, and standard environmental resource permit, environmental resource stormwater permit, and mitigation bank permit and conceptual approval permit applications that fail to provide five copies of the application package (which package includes the signed application form, construction plan drawings, and other supporting information), for each missing application package the application fee shall be increased as follows:

- (a) Chapter 40C-4, F.A.C., individual and conceptual environmental resource permits, and mitigation bank permits and conceptual approval permits \$220 ~~200~~
 (b) Chapter 40C-40, F.A.C., standard environmental resource permits \$110 ~~100~~
 (c) Chapter 40C-42, F.A.C., permits \$110 ~~100~~

However, this additional fee shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com

(14) Informal wetland boundary determinations under Part IV of Chapter 373, F.S., for property less than or equal to 1 acre \$100

(15) Verification that an activity is exempt from regulation under Part IV of Chapter 373, F.S., or Section 403.813, F.S. \$100

(16) The District shall use the Consumer Price Index, for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S.

(17) ~~(14)~~ No change.

Specific Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05,

located in Clay County, Florida. The petition proposes to delete approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SUBJECT AREA TO BE ADDRESSED: The petition, filed by the Fleming Island Plantation Community Development District, requests the Commission amend the boundaries of the district. The District currently covers approximately 1,580 acres of land located in Clay County, Florida. The petition proposes to delete approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SPECIFIC AUTHORITY: 190.005 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: Thursday, December 11, 2008, 2:00 p.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, 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, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-13.131

RULE TITLE:

Traumatic Brain and Spinal Cord
Injury Waiver Services Provider
Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.131, F.A.C., is to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule, October 2007. The Fee Schedule contains the Traumatic Brain and Spinal Cord Injury Waiver Services procedure codes, reimbursement and maximum limits. The effect will be to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule, October 2007.

This Notice replaces the Notice of Rule Development that was published for Rule 59G-13.131 in the Florida Administrative Weekly, Vol. 33, No. 46, dated November 16, 2007.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, December 8, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Arlene Walker, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)410-1570, walkerar@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.131 Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule.

All traumatic brain and spinal cord injury waiver services providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule, October 2007, which is incorporated by reference. The fee schedule is available from the Medicaid

fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-15.007
RULE TITLE: Developer, Defined

PURPOSE AND EFFECT: This rule amendment changes the definition of developer for filing purposes to conform the rule to Sections 718.502(1)(a), 718.503, and 718.504, Florida Statutes. The change clarifies that offering condominium parcels for lease has to be for leases more than 5 years before a legal entity may be considered a developer.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses the definition of developer for filing purposes.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.502(1)(c) 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: December 10, 2008, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>

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

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 Nursing

RULE NO.: 64B9-2.002
RULE TITLE: Certification for Approval

PURPOSE AND EFFECT: The purpose and effect is to require course outlines for all courses, and to permit nursing programs to submit letters of intent from clinical facilities in lieu of previously executed contracts; to permit new, small programs to combine statistics from two graduating classes to determine if the program meets the required passing rates on the national licensing exam; to extend the program approval period from three to five years or to be concurrent with national or regional accreditation, and to clarify documentation required with applications for approval.

SUBJECT AREA TO BE ADDRESSED: Certification for Approval.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.002 Certification for Approval.

(1) Provisional approval – Provisional approval will be granted to an institution to initiate a nursing program when it has presented documentation satisfactory to the Board that it meets the following requirements:

(a) No change.

1. through 2. No change.

3. Course outlines for all first-level courses shall be completed.

4. Contractual agreements, or a letter of intent to establish a contract once program approval has been received, with facilities and agencies to be used for clinical instruction for first level courses shall be in force.

5. No change.

(b) No change.

1. No change.

2. ~~Course outlines for total curriculum shall be completed.~~

~~2.3.~~ Contractual agreements with facilities and agencies to be used for clinical instruction in the total curriculum shall be in force.

~~3.4.~~ Evidence of compliance with all rules in this rule chapter with the exception Rule 64B9-2.009, F.A.C., shall be demonstrated.

(c) Programs which have been granted provisional approval may be granted full approval when they have demonstrated they are in compliance with these rules and the licensure examination results of the first graduating class have met or exceeded the national average the standard as set forth in Rule 64B9-2.009, F.A.C. If the first graduating class has fewer than 21 students who have taken the licensure examination, the results of the next graduating class will be included in the determination of the program's passing rate on the licensure examination.

(2) Approval – An institution seeking renewed approval of a nursing program shall present documentation of compliance with these rules at least every ~~five~~ three years, except programs with national accreditation from an accrediting body recognized by the U. S. Department of Education may have program approval concurrent with the period of national accreditation ~~good cause the Board may extend the period to five years.~~ The administrator shall notify the Board within 30 days of any change, loss or lapse in accreditation status and shall submit to the Board within 30 days any report from a national accrediting agency citing deficiencies or recommendations. Such documentation shall also be presented upon request.

(3) No change.

(4) The Board may decline to approve any program on provisional status, or decline to renew or rescind approval of any program ~~on probationary status~~ which fails to meet required standards or which fails to make satisfactory progress for corrections of deficiencies within the time period outlined by the Board.

(5) No change.

(6) Programs reapplying for approval shall submit a proposal and required fee pursuant to subsection subsection 64B9-7.001(14), F.A.C., and shall meet required standards in Rules 64B9-2.011 and 64B9-2.015, as outlined in paragraph 64B9-2.002(1)(a), F.A.C., prior to renewal of the program approval by the Board. As a condition of renewal, a program may be placed on probation if it does not meet the required standards.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 7-15-80, Amended 11-22-84, Formerly 21O-7.21, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.021, 61F7-2.002, 59S-2.002, Amended 12-11-97, 1-26-98, 7-7-02, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-3.012 Prescriptions

PURPOSE AND EFFECT: To authorize electronic signatures on prescriptions.

SUBJECT AREA TO BE ADDRESSED: Prescriptions.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.005, 463.012, 463.0135, 463.016(1)(k) 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: Joe Baker, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.012 Prescriptions.

(1) All prescriptions written by a licensed practitioner shall contain the name, address, telephone number and signature of the licensed practitioner who wrote the prescription and the information shall be kept on file by the licensed practitioner for a period of at least two (2) years. If the licensed practitioner maintains electronic patient records, the practitioner may affix an electronic signature to the prescription only if the electronic signature is generated by using either public key infrastructure or signature dynamics technology, and meets the criteria of subparagraphs (1)(a)-(d) of Rule 64B13-3.003, F.A.C.

(2) through (5) No change.

Specific Authority 463.005 FS. Law Implemented 463.005, 463.012, 463.0135, 463.016(1)(k) FS. History–New 4-10-84, Formerly 21Q-3.12, Amended 3-4-86, 8-30-87, Formerly 21Q3.012, 61F8-3.012, Amended 2-5-96, Formerly 59V-3.012, Amended 1-2-08, 6-5-06, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.004 Manner of Application

PURPOSE AND EFFECT: To incorporate the updated application form.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b), (2) FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (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: Joe Baker, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.004 Manner of Application.

(1) No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128, Revised 8/08 ~~DPR-OPA-0001 effective 4/8/92~~, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at <http://www.doh.state.fl.us/optometry/index.html>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) through (5) No change.

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b), (2) FS. History--New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.007 Optometry Faculty Certificate

PURPOSE AND EFFECT: To incorporate the application from for Optometry Faculty Certificates.

SUBJECT AREA TO BE ADDRESSED: Optometry Faculty Certificate.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.0057 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: Joe Baker, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.007 Optometry Faculty Certificate.

To obtain a optometric faculty certificate pursuant to Section 463.007, F.S., the applicant must submit an Initial Optometry Faculty Certificate Application, form number DH-MQA 1134, 8/08 and the fees set forth in Rule 64B13-6.001, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 463.005 FS. Law Implemented 463.0057 FS. History--New_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.008 Dispensing Practitioner Registration

PURPOSE AND EFFECT: To incorporate by reference the dispensing Practitioner Registration form.

SUBJECT AREA TO BE ADDRESSED: Dispensing Practitioner Registration.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.0276(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: Joe Baker, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.008 Dispensing Practitioner Registration.

To register as a dispensing practitioner, the licensee must submit a Dispensing Practitioner Registration, form number DH-MQA 1137, 8/08 and the fees set forth in Rule

64B13-6.003, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 463.005 FS. Law Implemented 456.0276(2) FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-16.002 Branch Office License

PURPOSE AND EFFECT: To incorporate by reference in the application forms for branch offices.

SUBJECT AREA TO BE ADDRESSED: Branch Office License.

SPECIFIC AUTHORITY: 456.013(2), 463.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 463.005(1)(a) 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: Joe Baker, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-16.002 Branch Office License.

Each Branch Office must be licensed. The Department shall issue a Branch Office License for a specified location to each licensed practitioner or a certified optometrist in good standing who submits to the Board of Optometry a Branch Office Application, Form No. DH-MQA1135, 8/08 or a Secondary Branch Office Application, Form No. DH-MQA1136, 8/08 ~~written request and~~ the fee required by subsection 64B13-6.001(6), Florida Administrative Code, for each location. The applications form are available from the Board office or the Board website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 456.013(2), 463.005(1)(a) FS. Law Implemented 456.013(2), 463.011 FS. History–New 5-29-90, Formerly 21Q-16.002, 61F8-16.002, 59V-16.002, Amended 11-6-02, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: To incorporate the registration form for intern and residents in orthotic or prosthetic educational programs.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prosthetic or Orthotic Residency or Internship.

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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: Joe Baker, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) To register for the an orthotic or prosthetic internship or residency program, the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA1126, 11/08, which is available from the Board office or at the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 1-16-06, 9-21-06, 8-13-08, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:

RULE TITLES:

67-32.002

Definitions

67-32.0035

Applicant Administrative Appeal Procedures

67-32.004

General Program Restrictions

67-32.005

Application Procedures

67-32.006

Terms and Conditions of Loan

67-32.007

Scoring, Ranking, and Funding Guidelines

67-32.009

EHCL Credit Underwriting Procedures

67-32.011

Fees

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(d), Florida Statutes, the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for

the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: December 8, 2008, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, 227 North Bronough Street, Tallahassee, Florida 32301

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: Jody Bedgood 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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing Finance Corporation'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.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:

9J-11.009

RULE TITLE:

Action Upon Receipt of Proposed
Local Government Comprehensive
Plan Amendment

PURPOSE AND EFFECT: To amend the rule to reference the phased schedule for adoption of the public school facilities elements and required updates to public schools interlocal agreements.

SUMMARY: paragraph 9J-11.009(8)(c), F.A.C., is being amended to reference the phased schedule for adoption of the public school facilities element and updates to the public schools interlocal agreement contained in Chapter 9J-36, Fla. Admin. Code.

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: 163.3177(9), 163.3177(12)(i) FS.

LAW IMPLEMENTED: 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12), 163.3177(12)(i), 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: December 15, 2008, 9:00 a.m.

PLACE: December 15, 2008, 9:00 a.m.

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 7 days before the workshop/meeting by contacting: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767. 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 IS: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767

THE FULL TEXT OF THE PROPOSED RULE IS:

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (8)(b) No change.

(c) Pursuant to Section 163.3177(12)(j), F.S., amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement by the date established in Rule 9J-36.002, F.A.C., December 1, 2008;

(d) through (g) No change.