

maintain published standards and procedures that assure the ongoing competency and ethical conduct of members or conferees. The proposed rule prohibits any use of self-conferred or baseless designations by licensees engaged in the marketing of insurance products. The proposed rule is designed to protect consumers from deceptive trade practices by licensees who claim, or falsely imply, certain levels of expertise or credentials that could reasonably induce consumers to place unwarranted confidence in the quality, accuracy, or veracity of their statements.

SUBJECT AREA TO BE ADDRESSED: Use of designations and certifications in the marketing of insurance products.

RULEMAKING AUTHORITY: 626.9611(1) FS.

LAW IMPLEMENTED: 626.9541(1)(ff) 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, October 26, 2010, 10:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines 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 5 days before the workshop/meeting by contacting: Richard Brinkley, (850)413-5654 or Richard.Brinkley@myfloridacfo.com. 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 Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-9.001 RULE TITLE: Database of Information Relating to Sinkholes

PURPOSE AND EFFECT: The proposed rule amendment revises the rule to change the time period and restrict database submissions to only those claims that involve sinkholes and catastrophic ground cover collapse that were "closed" and "confirmed" on or after January 25, 2007. These guidelines will prevent the database from becoming burdened by claims that do not provide useful information. The time period for

which claims shall be submitted has been changed to harmonize the rule with statute. Additional definitions and changes to related dates have also been made.

SUBJECT AREA TO BE ADDRESSED: Proposed amendment to clarify requirements associated with the submission of claims data to sinkhole database.

RULEMAKING AUTHORITY: 624.308(1), 627.7065(6) FS.

LAW IMPLEMENTED: 627.706, 627.7065 FS.

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

DATE AND TIME: Wednesday, October 27, 2010, 2:00 p.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Thomas, Chief, Bureau of Education, Advocacy & Research, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)413-5768

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 LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NO.: 11D-2.005 RULE TITLE: Methamphetamine Precursor Electronic Monitoring System

PURPOSE AND EFFECT: Rule 11D-2.005, F.A.C., is created to implement Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers to record the real-time purchase of products containing ephedrine or related compounds for the purpose of monitoring this information to prevent or investigate illegal purchases of these products. Access to the electronic recordkeeping system shall be provided to a retailer without any additional cost or expense. Tracking of the purchase of the products must be implemented by January 1, 2011 or sooner.

SUMMARY: Rule 11D-2.005, F.A.C.. implements Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers that sell non-prescription products containing ephedrine or related compounds. It provides definitions, and specifies a process for a retailer to request a statutory exemption from the recordkeeping requirements.

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.

RULEMAKING AUTHORITY: 893.1495(15), 943.03(4) FS.

LAW IMPLEMENTED: 893.1495 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: Tuesday, November 3, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

DATE AND TIME: Wednesday, November 4, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 500 W. Robinson Street, Orlando, FL 32801-1771

DATE AND TIME: Thursday, November 5, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 1030 N.W. 111th Avenue, Miami, FL 33172

Please advise 72 hours in advance if requesting a public hearing.

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: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308. 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). 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: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-2.005 Methamphetamine Precursor Electronic Monitoring System.

(1) A pharmacy or retailer conducting business within the state of Florida who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall be required to participate in the Methamphetamine Precursor Electronic Monitoring System.

(2) Definitions:

(a) “Department” means the Florida Department of Law Enforcement (FDLE).

(b) “Exemption” refers to the two part criteria outlined in Section 893.1495(5)(b), F.S., which states: “a pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.”

(c) “National Precursor Log Exchange” (NPLEx) refers to the FDLE approved Methamphetamine Precursor Electronic Monitoring System.

(d) “Retailer” refers to any person, entity, or business including a pharmacy, within the state of Florida, who engages in the sale of nonprescription compounds, mixtures, or preparations containing ephedrine or related compounds, ephedrine or related products that does not meet the criteria in Section 893.1495(5)(b), or 893.1495(10), F.S.

(3) Each retailer who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall contact the Department to enroll in NPLEx. Requests for information, enrollment, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEx administrator at (850)410-8300, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(4) Exemptions. The Department shall grant an exemption from electronic reporting to a retailer, upon request, if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.

(a) The “technology necessary to access NPLEx” requires a computer with an Internet connection that is available in any sales area within the retailer location.

(b) The “30 day period” for the purpose of determining an exemption shall be calculated from the 1st day of each calendar month.

(c) The retailer’s request for an exemption shall be made by completing FDLE Exemption form, FDLE I&FS-012, created 08/16/2010, and hereby incorporated by reference. The form is available online or can be obtained by contacting the Department. See subsection (3) above for contact information.

(d) The Exemption form must be completed in its entirety, signed by the retailer or retail manager claiming the exemption, and notarized by a notary public.

(e) The Department will review the request for exemption, and will grant or deny the request within 14 business days.

1. If the retailer disagrees with the Department's decision, the retailer may request, in writing, reconsideration of the denial for exemption based upon mistake of fact or law.

2. The request must state the basis for reconsideration and provide any documentation that is available to support the request.

3. The Department will provide a written response to the request for reconsideration.

(f) A retailer must maintain the exemption letter within its place of business, and make it available upon request by any law enforcement officer.

(g) A retailer granted an exemption in this section must notify the Department, in writing, and within 5 days of the completion of the reporting period, of any change in its exemption status regarding the sales volume of ephedrine or related compounds within the 30 day reporting period, or of obtaining the technology to access NPLEEx.

(5) The Department will provide an FDLE NPLEEx Administrator:

(a) Who will be responsible for reviewing, approving or denying and responding to requests for exemption from participation in NPLEEx, and

(b) Who will be responsible for communication between the Department and the 3rd party administrator selected to administer NPLEEx on all matters to include but not limited to: compliance with system requirements, system enhancements, and ensuring the availability of system training for retailers and law enforcement who need access to the system.

Contact information is provided in subsection (3) above.

(6) Retailer's Duty to Maintain Logbook.

(a) Should a transaction occur during a period in which NPLEEx is inoperable due to states of declared emergency, natural disaster, or other acts of God, the retailer must:

(b) Maintain a written log capturing all required information and enter the transaction data into NPLEEx within seventy-two (72) hours of the system becoming operational.

(c) Should a retailer be granted an exemption from participation in NPLEEx, it is still the duty of any retailer within the state of Florida to maintain a logbook in compliance with the federal Combat Methamphetamine Epidemic Act of 2005, as specified in Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and Section 893.1495, F.S. (2009).

(7) Law Enforcement Access to NPLEEx.

(a) Information contained within NPLEEx is available to law enforcement officers, designated by their agency, for law enforcement purposes, pursuant to Section 893.1495, F.S. (2009).

(b) A law enforcement agency may request access to NPLEEx. Requests for information, participation, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to

MethLaw@fdle.state.fl.us or by telephone, contact the NPLEEx administrator at (850)410-8300, or in writing to FDLE NPLEEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(c) Each law enforcement agency requesting access to the system will identify a single point of contact to be referred to as an "Agency Account Manager," who will be responsible for communicating new account requests and closing of account requests for its law enforcement officers.

Rulemaking Authority 893.1495(15), 943.03(4) FS. Law Implemented 893.1495 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010 as Rule Section 11D-2.001

DEPARTMENT OF REVENUE

RULE NO.: 12-22.008
RULE TITLE: Warrants and Liens List

PURPOSE AND EFFECT: Section 10, Chapter 2010-138, and Section 4, Chapter 2010-166, L.O.F., authorize the Department to publish a list of taxpayers against whom the Department has filed a warrant, notice of lien, or judgment lien certificate for taxes, surtaxes, surcharges, fees, interest, and/or penalty administered by the Department. The purpose of the creation of Rule 12-22.008, F.A.C. (Warrants and Liens List), is to provide how the Warrants and Liens List will be published, the taxpayers and the information that will be contained in the list, and how the list will be updated and maintained by the Department. When in effect, this rule establishes the procedures that will be used by the Department to prepare, publish, update, and maintain the Warrants and Liens List containing taxpayers who have an outstanding warrant, lien, or judgment lien for taxes, interest, penalty, and/or fees administered by the Department.

SUMMARY: The proposed creation of Rule 12-22.008, F.A.C. (Warrants and Liens List), provides: (1) that the Department will prepare, publish, and maintain the Warrants and Liens List authorized by Chapters 2010-138 and 2010-166, L.O.F., containing a list of taxpayers who have an outstanding tax warrant, lien, or judgment lien for the taxes, surtaxes, surcharges, or fees regulated, controlled, or administered by the Department; (2) the information that will be contained in the Warrants and Liens List and those taxpayers that will not be

included; (3) that the Warrants and Liens List will be updated monthly; (4) the requirements that a taxpayer must meet to be removed from the Warrants and Liens List; and (5) that no other reports or information will be made available concerning taxpayers included in or removed from the Warrants and Liens List.

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.

RULEMAKING AUTHORITY: 213.053(20) FS., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F.

LAW IMPLEMENTED: 55.10, 55.202, 55.204, 95.091(1)(a), (b), 198.22, 198.33, 199.262, 201.16, 211.125(7)(a), 211.33(7)(a), 213.053(20), (21), 213.21(2), (4), 213.69, 213.731, 213.733, 220.813, 443.1316 FS., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Brinton Hevey, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

THE FULL TEXT OF THE PROPOSED RULE IS:

12-22.008 Warrants and Liens List.

(1) Scope.

(a) Section 213.053(20), F.S., authorizes the Department to publish a list of taxpayers against whom the Department has filed a warrant, notice of lien, or judgment lien certificate for the taxes, surtaxes, surcharges, or fees, listed in Section 213.05, and Chapter 443, F.S., and administered by the Department. This rule outlines the only means by which the Department will publish or provide this information.

(b) The information that Section 213.053(20), F.S., authorizes the Department to publish is available in the public records of Florida. Section 213.053(20), F.S., authorizes the

Department to consolidate portions of that public information in a list and to publish that list to the public. Neither Section 213.053(20), F.S., nor this rule permits the Department or its employees to otherwise disclose confidential information.

(2) Warrants and Liens List.

(a) The Warrants and Liens List will include:

1. The two taxpayers from each of the 67 Florida counties with the highest unsatisfied warrant and lien totals; and

2. All other taxpayers who have unsatisfied warrant and lien totals of \$100,000 or greater.

(b) For each taxpayer included on the Warrants and Liens List, the following information will be provided:

1. Taxpayer name, owner name based upon information provided to the Department and on file with the Department of State at the time the warrant or lien was filed, and business location address;

2. County in which the taxpayer is located;

3. Warrant or lien number(s); and

4. Amount of each outstanding warrant or lien as recorded.

(c) The Warrants and Liens List will not include any taxpayer that has:

1. Entered into a closing agreement;

2. Entered into a stipulated payment agreement with the Department that has not been terminated pursuant to Rule 12-17.009, F.A.C.; or

3. In place any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) amount.

(d) The Warrants and Liens List will be posted to the Department's Internet site at www.myflorida.com/dor.

(3) Maintenance of the Warrants and Liens List.

(a) The Warrants and Liens List will be updated monthly to include those taxpayers as provided in paragraph (2)(a).

(b) Any taxpayer included on the Warrants and Liens List who pays the outstanding warrant(s) or lien(s) amount, enters into a stipulated payment agreement for the outstanding warrant(s) or lien(s) amount, or has put in place any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) amount will be removed from the list within two business days of the date:

1. Payment of the outstanding liability is received by the Department;

2. A stipulation payment agreement is executed by the taxpayer and the Department for the amount of the outstanding liability; or

3. Any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) has been put in place.

(4) No other reports or information will be made available concerning the taxpayers included in or removed from the Warrants and Liens List.

Rulemaking Authority 213.053(20) F.S., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F. Law Implemented 55.10, 55.202, 55.204, 95.091(1)(a), (b), 198.22, 198.33, 199.262, 201.16, 211.125(7)(a), 211.33(7)(a), 213.053(20), (21), 213.21(2), (4), 213.69, 213.731, 213.733, 220.813, 443.1316 F.S., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brinton Hevey, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on July 29, 2010 (Vol. 36, No. 27, p. 3161). No written comments were received by the Department. No one from the public attended.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.009	Receipts from Services Rendered for Exterminating and Pest Control
12A-1.0091	Cleaning Services
12A-1.0092	Detective, Burglar Protection, and Other Protection Services
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0161	Sales and Use Tax on Services; Sale for Resale
12A-1.044	Vending Machines
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business

PURPOSE AND EFFECT: Section 6, Chapter 2010-147, L.O.F., reinstates the exemption Section 212.04(2)(a)2., F.S., for admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility when sponsored by a governmental entity, sports authority, or sports commission, and expands the exemption provided in Section 212.04(2)(a)4., F.S., for admissions to certain professional sporting events.

Section 3, 2009-51, L.O.F., and Section 5, Chapter 2010-138, L.O.F., amended Section 212.05(1)(j), F.S., to replace the Standard Industry Codes for detective, burglar protection, and

other protection services and for nonresidential cleaning and nonresidential building pest control services with North American Industry Classification System National Industry Codes (NAICS Codes).

Section 9, Chapter 2010-147, L.O.F., amends Section 212.08(5)(b)6.b., F.S., to provide that productive output may be measured by the output for 12 continuous months selected by an expanding business following the completion of the installation of qualified machinery and equipment, and to strike the requirement to obtain approval of the alternative measurement period from the Department.

The purpose of the proposed rule amendments to Chapter 12A-1, F.A.C., is to: (1) include the reinstated exemption for admissions to events sponsored by a governmental entity, sports authority, or sports commission at publicly owned facilities and the expansion of the exemption to certain professional sporting events provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.; (2) replace the Standard Industry Codes for detective, burglar protection, and other protection services and for nonresidential cleaning and nonresidential building pest control services with North American Industry Classification System National Industry Codes (NAICS Codes) as provided in Section 3, Chapter 2009-51, L.O.F., and Section 5, Chapter 2010-138, L.O.F.; (3) include the taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138, L.O.F.; (4) remove obsolete provisions regarding the taxability of services before September 1, 1992; (5) change the contents of the notice required to be placed on vending machines by operators provided in Section 212.0515(3), as amend by Section 6, Chapter 2010-138, L.O.F.; and (6) change the definition of “productive output,” as revised by Section 9, Chapter 2010-147, L.O.F.

SUMMARY: The proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), include the reinstatement of the exemption for admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility when sponsored by a governmental entity, sports authority, or sports commission, and the expansion of the exemption for admissions to certain professional sporting events, as provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.

The proposed amendments to Rule 12A-1.009, F.A.C. (amended title “Receipts from Services for Exterminating and Pest Control”), Rule 12A-1.0091, F.A.C. (Cleaning Services), and Rule 12A-1.0092, F.A.C. (Detective, Burglar Protection, and Other Protection Services), include the NAICS Codes and update the illustrative examples of services included under the specified NAICS National Codes designated in Section 212.05(1)(i), F.S.

The proposed amendments to Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), add provisions for the taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138, L.O.F., which were previously provided in this rule prior to the substantial rewording effective November 3, 2009.

The proposed amendments to Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sales for Resale), remove obsolete provisions which applied to the taxability of services before September 1, 1992.

The proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines), update the notice to customers that must be affixed to a vending machine by the operator of the machine, as provided in Section 212.0515(3), as amend by Section 6, Chapter 2010-138, L.O.F.

The proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), include the amendments to Section 212.08(5)(b)6.b., F.S., provided in Section 9, Chapter 2010-147, L.O.F. This law change: (1) provides that productive output may be measured by the output for 12 continuous months selected by an expanding business following the completion of the installation of qualified machinery and equipment; (2) continues to provide that the measurement period must begin within 24 months of the installation of the equipment; and (3) strikes the requirement to obtain approval of the alternative measurement period from the Department.

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.

RULEMAKING AUTHORITY: 212.0515, 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(1), (4), (10)(g), (14), (15), (16), (19), (20), (21), (22), (24), 212.031, 212.04, 212.05(1)(a)1.a., (1)(b), (1)(h), (i), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.06(1)(a), (2)(k), 212.07(1)(b), (2), 212.08(1), (4)(a)1., (5)(b), (6), (7), (8), 212.085, 212.11(1), 212.12(2), (3), (4), (9), 212.13(2), 212.18(2), (3), 213.255(2), (3), 215.26(2), 616.260 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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 RULES IS: Janet Young, Tax Law Specialist, and Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407 and (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.005 Admissions.

(1) No change.

(2) **EXEMPT ADMISSIONS.** The following admissions are exempt from the tax imposed under Section 212.04, F.S.:

(a) through (c) No change.

(d) Admissions to the following professional or collegiate sporting events are exempt, as provided in Sections 212.04(2)(a)4. and 9., F.S.:

1. National Football League championship game or Pro Bowl;

2. ~~a~~ Major League Baseball, National Basketball Association, or National Hockey League all-star game and Major League Baseball Home Run Derby held before the Major League Baseball all-star games;

3. National Basketball Association Rookie Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam Dunk Challenge;

4. ~~Any~~ any semifinal or championship game of a national collegiate tournament; or any postseason collegiate football game sanctioned by the National Collegiate Athletic Association, as provided in Sections 212.04(2)(a)4. and 9., F.S., are exempt.

(e) through (f) No change.

(g) Admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility are exempt when:

1. The event is sponsored by a sports authority or commission, exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code, as amended, that is contracted with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community or is sponsored by a governmental entity;

2. 100 percent of the funds at risk belong to the sponsoring entity;

3. 100 percent of the risk of success or failure lies with the sponsoring entity; and

4. The talent for the event is not derived exclusively from students or faculty.

(g) through (j) renumbered (h) through (k) No change.

(3) through (6) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03, 6-28-05, 4-26-10,_____.

12A-1.009 Receipts from Services Rendered for Exterminating and Pest Control by Insect or Pest Exterminators.

(1)(a) Nonresidential pest control services enumerated in NAICS National Number 561710 of the North American Industry Classification System, published 2007, are subject to tax. Nonresidential pest control services are those services (not involving repair) rendered to minimize or eliminate any infestation of nonresidential buildings by vermin, insects, and other pests that do not include services provided for tangible personal property, ~~and include such services as:~~ Illustrative examples of taxable services are:

1. Bird control or bird proofing;
2. Exterminating services;
3. Fumigating services;
4. Pest control services in structures; and
5. Termite control.

(b) and (c) No change.

(2) through (6) No change.

(7) Pest control services provided ~~to farmers~~ for agricultural purposes or for forestry production are not taxable.

(8) Aircraft, boats, motor vehicles and other transportation vehicles are not considered to be nonresidential buildings. Therefore, the charge for pest control services provided to such vehicles is not taxable.

(9) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), (j), 212.07(2) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96, 4-2-00, 6-19-01,_____.

12A-1.0091 Cleaning Services.

(1)(a) Nonresidential cleaning services as enumerated in NAICS National Number 561720 of the North American Industry Classification System, published 2007, are subject to tax. Nonresidential cleaning services are those services (not involving repair) rendered to maintain the clean and sanitary appearance and operating condition of a nonresidential building interiors, but they do not include cleaning services

provided for tangible personal property. Illustrative examples of taxable services are: ~~Examples of such nonresidential cleaning services subject to tax are:~~

1. Acoustical tile cleaning services;
2. Building cleaning services, interior;

3. Custodial services;

~~3. Chimney cleaning services;~~

~~4. Custodians of schools on a contract or fee basis;~~

~~4.5. Deodorant servicing of restrooms;~~

~~5.6. Disinfecting services;~~

~~6.7. Floor waxing services;~~

~~7.8. Housekeeping (cleaning services) on a contract or fee basis;~~

~~8.9. Janitorial services on a contract or fee basis;~~

~~10. Lighting maintenance services (bulb replacement and cleaning);~~

~~9.11. Maid services on a contract or fee basis;~~

~~10.12. Maintenance of buildings (except repairs);~~

~~11.13. Office cleaning services;~~

~~12.14. Restroom cleaning services;~~

~~13.15. Service station cleaning and degreasing services;~~

~~14.16. Venetian blind cleaning;~~

~~15.17. Washroom sanitation service; and~~

~~16.18. Window cleaning (interior or exterior).~~

(b) No change.

(c) The cleaning of tangible personal property is subject to the provisions of Rule 12A-1.006, F.A.C.

~~(d)(e)~~ No change.

(2) No change.

(3) Aircraft, boats, motor vehicles, and other transportation vehicles are not considered to be nonresidential buildings. For the taxability of cleaning aircraft, boats, motor vehicles, and other vehicles, see Rule 12A-1.006, F.A.C.

(4) Pressure cleaning (power washing) of the exterior of a building, or of parking lots or parking structures, is not taxable as a cleaning service.

(5) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.07(2) FS. History—New 5-13-93, Amended 3-20-96, 7-1-99, 4-2-00, 3-4-01, 6-19-01,_____.

12A-1.0092 Detective, Burglar Protection, and Other Protection Services.

(1) Persons who provide any of the services enumerated in NAICS National Numbers 561611, 561612, 561613, and 561621 of the North American Industry Classification System, published 2007 ~~Industry Numbers 7381 and 7382 of the Standard Industrial Classification Manual, 1987~~, are dealers in a taxable service and are required to charge sales tax on the total taxable sales price of the service.

(2)(a) Detective, burglar protection, and other protection services are those services which are rendered to minimize or prevent loss or damage to life, limb, or property and are of a kind typically performed by security or alarm system companies, or are those investigative services which are rendered to obtain evidence or other information for legal, business, employment, or personal purposes of a kind typically performed by detective or investigative agencies. Illustrative examples of These taxable services are include:

1. Armored car service;

2. Bodyguard (personal protection) services;

~~3.2.~~ Burglar or fire alarm or other security system devices monitoring and maintenance;

a. The installation of alarm or security systems that remain tangible personal property is governed by the provisions of Rule 12A-1.016, F.A.C.

b. The installation of alarm or security systems that become a part of real property is governed by the provisions of Rule 12A-1.051, F.A.C.

c. The monitoring or maintenance of alarm or security systems is a taxable service whether such for systems ~~that~~ are considered to be ~~either~~ tangible personal property or a part of real property. The term maintenance includes any inspection of an alarm or security system to confirm its proper working order. The term maintenance does not include the expansion or upgrade of an existing system, but it does include the replacement of defective components.

~~4.3.~~ Detective agency services;

~~4. Dogs, rental of for protective services;~~

5. Fingerprint service;

6. Guard dogs, detection dogs, and other dogs for protection or investigative services (not including training), with or without a handler;

~~7.6.~~ Guard, patrol, and parking or other facility security services service;

~~8.7.~~ Investigation services (except credit) Investigators, private;

~~9.8.~~ Lie detector or polygraph services;

10. Missing person tracing services;

~~11.9.~~ Passenger screening services; and

~~10. Protective service, guard; and~~

~~11. Security guard service.~~

12. Skip tracing services.

(b) The services in paragraph (a) above are taxable for all persons, businesses, residences, or nonresidential properties.

(c) The following services, when performed by detectives, private investigators, or others are not subject to tax when freestanding, or when separately stated on an invoice given to a purchaser which includes taxable services:

1. through 2. No change.

3. Insurance services as classified enumerated under NAICS National Industry Number 524298 64H, such as insurance ~~inspection and~~ investigation services, insurance loss prevention services, or insurance reporting services, ~~or insurance research services~~. The name of the insurance carrier must be included in the billing for the investigative services.

4. through 5. No change.

6. Repossession services. ~~Charges for repossession services do not become taxable when "locate" or "skip trace" activities must be performed by the reposessor in connection with the repossession.~~

(d) through (f) No change.

(3)(a) If a transaction involves both the sale or use of a service which is taxable and the sale or use of a service which is not taxable, the charges for the taxable portion of the transaction must be separately stated from the charges for the nontaxable non-taxable portion or the entire transaction will be presumed taxable.

1. No change.

2. Example: Company A is a defense industry contractor. Company A hires an investigative firm to perform a full background check, including psychological and drug testing, on employment applicants. The investigative firm engages the services of a psychologist and a medical lab to perform the necessary testing procedures. The professional services of the psychologist and the medical lab do not fall within the taxable services enumerated in subsection (1) Industry Numbers 7381 or 7382. However, the charge that the investigative firm makes to Company A for the psychological and drug testing must be separately stated or the entire transaction will be subject to tax.

3. No change.

(b) through (f) No change.

(4) through (6) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.06(1)(a), (2)(k), 212.085 FS. History--New 5-13-93, Amended 10-17-94, 3-20-96, 7-29-98,

12A-1.011 Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice.

(1) through (9) No change.

(10) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable tangible personal property (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are separately itemized and priced from the taxable tangible personal property, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable tangible personal property is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable tangible personal property represents more than twenty-five (25) percent of the value of the package, the total charge is subject to tax.

2. When the taxable tangible personal property represents twenty-five (25) percent or less of the value of the package, the total sale is exempt. The seller is required to pay tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (20), 212.05(1)(a)1.a., 212.06(1)(a), 212.07(2), 212.08(1), (4)(a)1., (7)(oo), (pp) FS. History-Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01, 4-17-03, 11-3-09.

12A-1.0161 Sales and Use Tax on Services; Sale for Resale.

(1) through (5) No change.

(6)(a) If a transaction involves both the sale of a taxable service, as provided in subsection (1) above, and the sale of a service that is not taxable, or if it involves both the sale of a taxable service and the sale or use of property that is not subject to sales or use tax, the charges shall be separately identified and stated with respect to the taxable and nontaxable portions of the transaction. The tax shall apply to the transaction to the extent that the consideration paid in connection with the transaction is payment for the sale of taxable services. Failure to separately state the charges shall create a presumption that the entire transaction is a taxable service. The burden shall be on the seller of the service or the purchaser of the service, whichever is applicable, to overcome this presumption by providing documentary evidence (i.e., time sheets, schedules, receipts, or other documents which support activities) as to the amount of the transaction that is exempt from tax. If the Department determines that the taxable and exempt portions of a transaction are inaccurately stated, the Department is authorized to adjust such portions with support by substantial competent evidence.

(b)1. If a transaction enumerated in subsection (1) above was taxable before September 1, 1992, on some other basis, it continues to be taxable on and after that date on that other basis, and is not taxable as a service enumerated in subsection (1) above.

2. Example: Rental of dogs for protective services was taxable before September 1, 1992, as rental of tangible personal property. On and after that date it continues to be taxable as the rental of tangible personal property.

(7) through (8) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.06(1)(a), (2)(k), 212.07(1)(b), 212.08(7)(v) FS. History-New 5-13-93, Amended 1-4-94, 10-17-94, 3-20-96, 4-2-00, 10-2-01, 4-17-03.

12A-1.044 Vending Machines.

(1) through (3) No change.

(4) Notice to be displayed on each vending machine; penalty and interest for failing to display notice.

(a) Before an operator may operate a food or beverage vending machine in this state, the operator must post affix a notice on each vending machine. Token machines are not considered to be vending machines which require a notice.

(b) ~~The notice must state the operator's name, address, and Federal Employer Identification (FEI) number, or if the federal government does not require the operator to have an FEI number, the Sales Tax Registration number is required.~~

(b)(c) ~~You may use the example provided below or have your own notice printed. The~~ However, if printed, the notice must contain the exact wording of the following statements in as in the examples; type that is must not be smaller than 14 point bold face, and the words "cash reward" must not be smaller than 30 point:-

NOTICE TO CUSTOMER:

FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. Report any machine without a notice to 1(800)352-9273. You may be eligible for a CASH REWARD. DO NOT USE THIS NUMBER TO REPORT PROBLEMS WITH THE VENDING MACHINE SUCH AS LOST MONEY OR OUT-OF-DATE PRODUCTS. FOR FOOD OR BEVERAGE VENDING MACHINES

Name of Operator

Address

City State Zip Code

FEI or ST#

Notice of Customers:

~~Florida Law requires this Notice to be posted on all food and beverage vending machines. Report any machine without a notice to 1-800-FL-AWARD. You may be eligible for a CASH REWARD.~~

(c)(d) The notice must be displayed on the upper front of a vending machine, unless such placement impairs the use of the machine. If the notice cannot be placed on the upper front of the vending machine, then the notice must be displayed on another place on the machine where it is easily readable by the public. The notice must be affixed to the machine so it is not easily removed.

(d)(e) Any vending machine operator who fails to properly obtain and display the required notice on any vending machine is subject to the penalties and interest as provided in Section 212.0515(4), F.S.

(5) through (8) No change.

Rulemaking Specific Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g), (14), (15), (16), (19), (24), 212.031, 212.05(1)(h), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.07(1), (2), 212.08(1), (7), (8), 212.11(1), 212.12(2), (3), (4), (9), 212.18(2), (3) FS. History—Revised 10-7-68, 6-16-72, 1-10-78, Amended 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, 6-19-01, 11-1-05,_____.

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

(1) Definitions – The following terms and phrases when used in this rule have the meaning ascribed to them except where the context clearly indicates a different meaning:

(a) through (f) No change.

(g) “Productive output” ordinarily means the number of units actually produced by a single plant or operation in a single continuous 12-month period. The increase in productive output ~~shall be~~ is measured by the output for 12 continuous months, ~~as selected by the expanding business, immediately~~ following the completion of the installation of machinery and equipment for the expansion project as compared to the productive output of 12 continuous months immediately preceding the beginning of the installation of machinery and equipment for the expansion project. However, ~~the 12 continuous months post installation measurement period, as selected by the expanding business, if a different 12 month continuous period would more accurately reflect the increase in productive output as a result of a business expansion, the increase in productive output will be measured during that alternate 12 month continuous period provided that prior to the start of production by the expanded business the Executive Director or the Executive Director’s designee agrees to such alternate measuring period. Such alternate continuous 12 month measuring period approved by the Executive Director or the Executive Director’s designee must begin within 24 months following the completion of installation of qualifying machinery and equipment. If an alternate 12 month measuring period is requested by the business entity and is agreed to by the Executive Director or the Executive Director’s designee, only the selected alternate 12 month period will be used to measure the increased productive output for the business expansion, even though some 12 month period other than the selected and approved 12 month period may show a production increase of 10 percent or more as a result of the expansion project.~~ Productive output may not be measured by sales dollars or by production labor hours for the purposes of this exemption.

(h) through (j) No change.

(2) through (9) No change.

Rulemaking Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (10)(g), (14), (19), (21), (22), 212.05, 212.06, 212.08(5)(b), (7)(xx), 212.13(2), 213.255(2), (3), 215.26(2) FS. History—New 5-11-92, Amended 7-1-99, 6-28-00, 6-19-01, 3-6-02, 4-1-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, and Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407 and (850)922-4719

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3682-3683). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:

RULE TITLE:

12A-1.0615

Hotel Rewards Points Program

PURPOSE AND EFFECT: Rule 12A-1.0615, F.A.C. (Hotel Reward Points Programs), is being created to provide for the application of Florida tax in situations involving hotel reward points programs within the transient rentals industry that reflects the findings of Report Number 2005-131, “Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Rewards Points Program,” issued by the Senate Committee on Government Efficiency Appropriations. This rule sets forth when transient lodging accommodations provided to reward points programs members will be subjected to Florida’s taxes on those accommodations, including the state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, and municipal resort tax. This rule also sets forth when transactions between the administrator of a hotel reward points program and the hotel participating in the program are subject to tax.

SUMMARY: The proposed creation of Rule 12A-1.0615, F.A.C. (Hotel Reward Points Programs): (1) provides that the rule will govern the taxation of transactions between hotel reward points program administrators and hotels within the program; (2) provides that no tax is to be collected from a member of a program when the member uses a certificate or confirmation number and is provided a room at no charge; (3) defines the terms “hotel,” “reimbursements,” and “contributions”; (4) provides that tax is due when a hotel

receives more in reimbursements from the program fund than it paid in contributions to the program fund in the prior calendar year; (5) provides the calculation of taxable reimbursements for a hotel's initial twelve months of participation in a program and for each calendar year subsequent to the initial year of operation, including examples of the calculations; and (6) provides the recordkeeping requirements of hotels participating in a reward points program.

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.

RULEMAKING AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 2:00 p.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at www.myflorida.com/dor/rules.

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: Sarah Wachman at (850)410-2651. 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: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0615 Hotel Reward Points Programs.

(1) Scope.

(a) The provisions of this rule govern the taxation of transactions between program administrators of hotel reward points programs and hotels providing transient lodging accommodations that participate in these programs.

(b) For purposes of this rule, the term "transient rental tax" means the state sales tax imposed on transient rentals under Section 212.03, F.S., the discretionary sales surtax as authorized in Section 212.055, F.S., the locally-imposed tourist development tax provided for in Section 125.0104, F.S., the tourist impact tax provided for in Section 125.0108, F.S., the convention development tax in Section 212.0305, F.S. or any municipal resort tax in Chapter 67-930, L.O.F.

(2) Transactions Between a Hotel and a Guest Using Reward Points.

(a) When a member of a hotel reward points program uses a certificate or confirmation number entitling the member to transient accommodations at a participating hotel at no charge, the hotel is not required to collect transient rental tax from the member.

(b) When a member of a hotel reward points program uses a certificate or confirmation number entitling the member to transient accommodations and pays the hotel any room rate or rental charges using any form of payment other than reward points, the member is required to pay the hotel transient rental tax on the amount of the room rate or rental charges paid using any form of payment other than reward points.

(3) Transactions between a Hotel and a Reward Points Program.

(a) For the purposes of this subsection, the following words are defined:

1. "Hotel" is used in the singular and is meant to describe a single operation, at one specific location, that provides transient accommodations as described in Section 212.03, F.S. The term "hotel" does not mean a group of affiliated hotels or a group of hotels operated by one franchisee.

2. "Reimbursements" mean money or credits received by a hotel from a reward points program fund.

3. "Contributions" mean money or credits paid by a hotel to a reward points program fund.

(b) Transient rental tax is due on a hotel's reimbursements when the hotel receives more in reimbursements than it paid in contributions in the prior calendar year.

(c) Calculation of Taxable Reimbursements for Periods Other than a Hotel's Initial Year of Participation.

1. Each January, a hotel must determine the percentage to be applied to reimbursements received during the subsequent calendar year using the following calculation:

Total Reimbursements Received in Prior Calendar Year - Total Contributions Paid in Prior Calendar Year

÷ Total Reimbursements Received in Prior Calendar Year

= Percentage to be Applied to Reimbursements Received in Current Calendar Year

If the resulting percentage is zero or less, then no transient rental tax is due on reimbursements received in the subsequent calendar year.

2. The full amount of reimbursements received by the hotel in the current reporting period must be multiplied by the percentage to determine the amount of reimbursements subject to transient rental tax for that reporting period.

3. Example: A hotel's total reimbursements and contributions in the preceding calendar year are \$10,000 and \$7,500, respectively. The hotel's percentage for the current calendar year will be calculated in January as $(\$10,000 - \$7,500)/\$10,000$ or 25%. If the current reporting period's reimbursements are \$1,000, the amount of reimbursements subject to tax in the current reporting period is \$250.

(d) Calculation of Taxable Reimbursements for a Hotel's Initial Twelve Months of Participation in a Reward Points Program.

1. At the end of a hotel's initial twelve months of participation in a reward points program, the hotel must determine the percentage to be applied to reimbursements received during the initial twelve months of participation using the following calculation:

Total Reimbursements Received During the Initial Twelve Months – Total Annual Contributions Paid During the Initial Twelve Months

÷ Total Reimbursements Received During the Initial Twelve Months

= Percentage to be Applied to Reimbursements Received in the Initial Year

If the resulting percentage is zero or less, then no transient rental tax is due on reimbursements received in the initial twelve months of participation.

2. The full amount of reimbursements received by the hotel in the initial twelve months of participation must be multiplied by the percentage to determine the amount of reimbursements subject to transient rental tax for the initial twelve months. The full amount of any tax due must be remitted with the hotel's first tax return due following the end of the initial twelve months of participation. The hotel must keep a supplemental schedule allocating the remittance to the appropriate reporting periods of the initial twelve months of participation in the hotel's books and records kept in the normal course of business. This schedule must be made available to the proper taxing authority upon request.

3. The percentage calculated for the initial twelve months of participation must also be used to calculate taxable reimbursements for all remaining reporting periods in the calendar year in which the calculation is made.

4. Example: A hotel begins participating in a reward points program in June 2010. In June 2011, the hotel must calculate the percentage using the total reimbursement and contribution amounts for June 2010 through May 2011. The resulting percentage must be applied to all reimbursements

received from June 1, 2010, through May 31, 2011, to determine the amount of reimbursements subject to transient rental tax for that period. The hotel must report any taxable reimbursements for June 2010 through May 2011 on the hotel's first tax return due following May 2011. The hotel must also apply the June 2010 through May 2011 percentage to all reimbursements received each reporting period for the remainder of calendar year 2011. In January 2012, the hotel must recalculate the annual percentage using the total reimbursement and contribution amounts for January through December, 2011.

5. If a hotel ceases to participate in a reward points program before the completion of a full twelve month period, then the hotel must determine the percentage to be applied to reimbursements received by using the period of time that the hotel participated in the reward points program. Any tax due must be reported on the hotel's first tax return due following the date on which the hotel ceases to participate in the reward points program.

(e) Tax must be reported and remitted as provided in Rule 12A-1.056, F.A.C.

(4) Recordkeeping.

(a) A hotel must maintain records received from or sent to the program administrators indicating reimbursements and contributions, and records indicating the calculations required under this rule to determine the amount of transient rentals tax due, until tax imposed or administered by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage of the required records will be sufficient compliance with the provisions of this subsection.

Rulemaking Authority 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F. Law Implemented 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Public Meeting regarding reward points or similar discount programs was noticed in the Florida Administrative Weekly on March 26, 2004 (Vol. 30, No. 13, p. 1307). A Notice of Rule Development Workshop was noticed in the Florida Administrative Weekly on August 4, 2006 (Vol. 32, No. 31, p. 3581). A rule development workshop was held on September 19, 2006. Comments were received, and changes were made to the proposed rule text. The

proposed amendments were noticed for a second rule development workshop in the Florida Administrative Weekly on September 25, 2009 (Vol. 35, No. 38, p. 4638). A rule development workshop was held on October 13, 2009. Comments were received, and changes were made to the proposed rule text. A third rule development workshop was noticed in the Florida Administrative Weekly on May 28, 2010 (Vol. 36, No. 21, p. 2422). A rule development workshop was held on June 24, 2010. Comments were received, and changes were made to the proposed rule text.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.094
 RULE TITLE: Public Works Contracts

PURPOSE AND EFFECT: Rule 12A-1.094, F.A.C. (Public Works Contracts), and Section 212.08(6), F.S., govern the taxability of transactions in which contractors and subcontractors purchase tangible personal property for use in public works contracts. Public works contracts are projects for public use or enjoyment, financed and owned by the government, in which private persons install tangible personal property that becomes a part of a public facility. The exemption in Section 212.08(6), F.S., is a general exemption for sales made directly to the government. Rule 12A-1.094, F.A.C., establishes the criteria that govern whether a governmental entity, rather than the public works contractor, is the purchaser of the materials.

Effective January 2, 2011, Section 8, Chapter 2010-138, L.O.F., requires governmental entities to issue a Certificate of Entitlement to purchase tangible personal property tax-exempt for a public works project to each vendor and each contractor certifying: (1) that the tangible personal property purchased will become part of a public facility; and (2) that the governmental entity will be liable for any tax, penalty, or interest due should the Department later determine that the items purchased do not qualify for exemption under Section 212.08(6), F.S. The law excludes a federal governmental entity from these requirements.

The purpose of the proposed amendments to Rule 12A-1.094, F.A.C., is to: (1) maintain, without change, the current criteria governing whether a governmental entity is the purchaser of tangible personal property that qualifies for exemption under Section 212.08(6), F.S.; (2) provide the requirements and format of the Certificate of Entitlement required by Section 8, Chapter 2010-138, L.O.F., effective January 2, 2011; and (3) provide that the governmental entity is prohibited from transferring the liability for tax, penalty, and interest to another party by contract or agreement. When in effect, the rule will provide for the taxability of transactions in which contractors and subcontractors purchase tangible personal property for use in public works contracts.

SUMMARY: The proposed amendments to Rule 12A-1.094, F.A.C. (Public Works Contracts), incorporate the provisions of Section 212.08(6), F.S., as amended by Section 8, Chapter 2010-138, L.O.F., to provide that a governmental entity, excluding any agency or branch of the United States, is required to issue a Certificate of Entitlement, with the entity's purchase order attached, to each vendor and to each contractor to affirm that: (1) the tangible personal property purchased from the vendor will go into and become a part of a public works; and (2) the governmental entity will be liable for any tax, penalty, and interest determined to be due if the Department determines that the tangible personal property purchased does not qualify for exemption.

The proposed amendments also provide: (1) that the governmental entity is prohibited from transferring the liability for tax, penalty, and interest to another party by contract or agreement; (2) that contracts with agencies or branches of the federal government, which are not required to issue a Certificate of Entitlement, must meet the criteria established in paragraph (4)(b) of the rule for the purchase of the tangible personal property for the public works to be tax-exempt; and (3) contractors who manufacture or fabricate tangible personal property must pay tax on the articles produced and may not accept a Certificate of Entitlement for these articles.

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.

RULEMAKING AUTHORITY: 212.08(6), 212.17(6), 212.18(2), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1), 212.02(4), (14), (15), (16), (19), (20), (21), 212.06(1), (2), (14), 212.07(1), 212.08(6), (7)(bbb), 212.085, 212.18(2), 212.183, 213.37 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 10:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at www.myflorida.com/dor/rules.

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: Sarah Wachman at (850)410-2651. 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: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.094 Public Works Contracts.

(1) through (3) No change.

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

(c)1. To be entitled to purchase materials tax exempt for a public works project, a governmental entity is required to issue a Certificate of Entitlement to each vendor and to the governmental entity's contractor to affirm that the tangible personal property purchased from that vendor will go into or become a part of a public work. This requirement does not apply to any agency or branch of the United States government.

2. The governmental entity's purchase order for tangible personal property to be incorporated into the public works project must be attached to the Certificate of Entitlement. The governmental entity must issue a separate Certificate of Entitlement for each purchase order. Copies of the Certificate may be issued.

3. The governmental entity will also affirm that if the Department determines that tangible personal property sold by a vendor tax-exempt pursuant to a Certificate of Entitlement does not qualify for the exemption under Section 212.08(6), F.S., and this rule, the governmental entity will be liable for any tax, penalty, and interest determined to be due.

4. The following is the format of the Certificate of Entitlement to be issued by the governmental entity:

CERTIFICATE OF ENTITLEMENT

The undersigned authorized representative of (hereinafter "Governmental Entity"), Florida Consumer's Certificate of Exemption Number _____, affirms that the tangible personal property purchased on or after _____ (date) will be incorporated into or become a part of a public facility as part of a public works contract pursuant to contract # _____ with _____ (Name of Contractor) for the construction of _____.

Governmental Entity affirms that the purchase of the tangible personal property contained in the attached Purchase Order meets the following exemption requirements contained in Section 212.08(6), F.S., and Rule 12A-1.094, F.A.C.:

You must initial each of the following requirements.

1. The attached Purchase Order is issued directly to the vendor supplying the tangible personal property the Contractor will use in the identified public works.

2. The vendor's invoice will be issued directly to Governmental Entity.

3. Payment of the vendor's invoice will be made directly by Governmental Entity to the vendor from public funds.

4. Governmental Entity will take title to the tangible personal property from the vendor at the time of purchase or of delivery by the vendor.

5. Governmental Entity assumes the risk of damage or loss at the time of purchase or delivery by the vendor.

Governmental Entity affirms that if the tangible personal property identified in the attached Purchase Order does not qualify for the exemption provided in Section 212.08(6), F.S., and Rule 12A-1.094, F.A.C., Governmental Entity will be subject to the tax, interest, and penalties due on the tangible personal property purchased. If the Florida Department of Revenue determines that the tangible personal property purchased tax-exempt by issuing this Certificate does not qualify for the exemption, Governmental Entity will be liable for any tax, penalty, and interest determined to be due.

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

Under the penalties of perjury, I declare that I have read the foregoing Certificate of Entitlement and the facts stated in it are true.

Signature of Authorized Representative Title

Purchaser's Name (Print or Type) Date

Federal Employer Identification Number:

Telephone Number:

You must attach a copy of the Purchase Order to this Certificate of Entitlement.

Do not send to the Florida Department of Revenue. This Certificate of Entitlement must be retained in the vendor's and the contractor's books and records.

(d)(e) Sales are taxable sales to the contractor are subject to tax unless it can be demonstrated to the satisfaction of the Executive Director or the Executive Director's designee in the responsible program that such sales are, in substance, tax exempt direct sales to the government.

(e) The governmental entity may not transfer liability for such tax, penalty, and interest to another party by contract or agreement.

(f) In the case of contracts with any agency or branch of the United States government in which the federal governmental agency or branch is not required to produce a Certificate of Entitlement, the purchase must comply with the five criteria provided in paragraph (b), for the purchase of tangible personal property to be exempt from sales and use tax. If the criteria in paragraph (b) are not met, the contractor is the ultimate consumer of such tangible personal property and is liable for sales or use tax on such purchases and manufacturing costs.

(5) Contractors, including subcontractors, that manufacture, fabricate, or furnish tangible personal property that the contractor incorporates materials for incorporation into public works are shall be liable for tax in the manner provided in subsection (10) of Rule 12A-1.051, F.A.C. The contractor and subcontractors, not the governmental entity, are deemed to be the ultimate consumers of the articles of tangible personal property they manufacture, fabricate, or furnish to perform their contracts and may not accept a Certificate of Entitlement for these articles.

(6) through (8) No change.

Rulemaking Specific Authority 212.08(6), 212.17(6), 212.18(2), 212.183, 213.06(1), ~~221.08(6)~~, FS. Law Implemented 92.525(1), 212.02(4), (14), (15), (16), (19), (20), (21), 212.06(1), (2), (14), 212.07(1), 212.08(6), (7)(bbb), 212.085, 212.18(2), 212.183, 213.37 FS. History—New 6-3-80, Amended 11-15-82, Formerly 12A-1.94, Amended 1-2-89, 8-10-92, 6-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on July 30, 2010 (Vol. 36, No. 30, pp. 3462-3463). Comments were received at the rule development workshop held on August 25, 2010. In response, changes have been made to the proposed amendments to Rule 12A-1.094, F.A.C.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by taxpayers to report sales and use tax to the Department.

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.

RULEMAKING 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, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 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 HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: 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 FULL TEXT OF THE PROPOSED RULE IS:

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) Copies of these forms, except those denoted by an asterisk (*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

(b) Forms (certifications) specifically denoted by an asterisk (*) are issued by the Department upon final approval of the appropriate application. Defaced copies of certifications, for purposes of example, may be obtained by written request directed to:

Florida Department of Revenue
 Taxpayer Services
 5050 West Tennessee Street, ~~Bldg. L~~
 Tallahassee, Florida 32399-0112.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(b) DR-15CS	Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(c) DR-15CSN	DR-15 Sales and Use Tax – Instructions (R. <u>01/11 01/10</u>)	_____ 01/10
(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <u>01/11 01/10</u>)	_____ 01/10
(f) DR-15EZN	Instructions for <u>2011 2010</u> DR-15EZ Sales and Use Tax Returns (R. <u>01/11 01/10</u>)	_____ 01/10
(g)	No change.	

(h) DR-15MO	Florida Tax on Purchases (R. <u>09/10 08/09</u>)	_____ 01/10
(i) DR-15N	Instructions for <u>2011 2010</u> DR-15 Sales and Use Tax Returns (R. <u>01/11 01/10</u>)	_____ 01/10
(j) through (m)	No change.	
(7) through (23)	No change.	

Rulemaking 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, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 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, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3683-3684). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), will update annual forms used by the Department in the administration of solid waste fees and the rental car surcharge.

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.

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

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: 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 FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. <u>01/11 01/10</u>)	____ 01/10
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. <u>01/11 01/10</u>)	____ 01/10
(4) No change.		

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3684). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-19.041	Sales of Communications Services to a Residential Household
12A-19.100	Public Use Forms

PURPOSE AND EFFECT: Chapter 2010-149, L.O.F., provides that for communications services billed on or after August 1, 2010, the state portion of the Florida communications services tax rate for certain services is reduced 0.15 percent from 6.8 percent to 6.65 percent, and the gross receipts tax rate on those services has increased 0.15 percent from 2.37 percent to 2.52 percent. Communications services billed to a residential household on or after August 1, 2010, will be subject to the 2.37 percent gross receipts tax and will remain exempt from the 6.65 percent state portion of the tax. Such services will also be exempt from the additional gross receipts tax rate of 0.15 percent, ensuring that no person will pay any additional tax.

Chapter 2008-55, L.O.F., amended Section 509.013, F.S., redefining "public lodging establishments" as "transient public lodging establishments" and "nontransient public lodging establishments." Section 4, Chapter 2010-138, L.O.F., clarifies

that the residential exemption from the communications services tax does not include any “transient public lodging establishment.”

Effective July 1, 2010, Chapter 2010-83, L.O.F., allows communications services tax dealers to use a proportionate method to allocate bad debts based on current gross taxes due to determine the amount of bad debt that is attributable to the state and to the local jurisdiction or another reasonable allocation method approved by the Department. Dealers report the bad debit credit on Form DR-700016, Florida Communications Services Tax Return, by deducting the bad debit credit from the state tax or from the local jurisdiction tax due to the Department. The amount of the credit deducted and reported on the return is limited to the amount of state tax due or the amount of local jurisdiction tax due.

The purpose of the proposed rule amendments to Chapter 12A-19, F.A.C., is to: (1) provide the tax rate changes for communications services sold to residential households, as provided in Chapter 2010-149, L.O.F.; (2) clarify that the residential exemption does not include any transient public lodging establishment, as provided in Section 4, Chapter 2010-138, L.O.F.; (3) provide for the reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) provide the applicable reporting periods and service billing dates for each version of Form DR-700016, Florida Communications Services Tax Return; (5) update the local communications services tax rates; (6) adopt, by reference, updates to Form DR-700016, Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, necessary to incorporate the law changes and the rate local communications services tax rates and (7) update the information on how to obtain copies of forms from the Department.

SUMMARY: The proposed amendments to Rule 12A-19.041, F.A.C.: (1) amend the title to “Sales of Communications Services to a Residential Household” and the scope of the rule to clarify the intent of the application of the rule, as amended; (2) update provisions regarding the state portion and gross receipts tax portion of the Florida communications services tax for purposes of the residential exemption, as provided in Chapter 2010-149, L.O.F.; (3) include the definition of “transient public lodging establishment,” as defined in Section 509.013, F.S., as amended by Chapter 2008-55, L.O.F.; (4) clarify that the residential exemption from communications services tax does not apply to “transient public lodging establishments,” as provided in Section 4, Chapter 2010-138, L.O.F.; and (5) update the term “service provider” to “dealer” of communications services.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) incorporate the instructions to report tax due on communications services billed on or after August 1, 2010, and provide for the components of the communications services tax collected to be shown on Form DR-700016,

Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, as provided in Chapter 2010-149, L.O.F.; (2) provide in the instructions of Form DR-700016 that the residential exemption from the communications services tax does not include any transient public lodging establishment, as clarified in section 4, Chapter 2010-138, L.O.F.; (3) provide for the reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year; (5) update the local communications services tax rates; (6) adopt, by reference, changes to Forms DR-700016 and DR-700019 necessary to incorporate the law changes and the rate local communications services tax rates; and (7) update the information on how to obtain copies of forms from the Department.

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.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.125(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), (10), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2), (4) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4835

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.041 ~~Sales of Residential Exemption from the Communications Services to a Residential Household Tax.~~

~~(1)(a) The sale of communications services, as defined in Section 202.11(2), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.~~

~~(1)(b) This rule is intended to clarify the application of tax on sales of communications services to residential households and governs the documentation and recordkeeping requirements of dealers who make sales to regarding the exemption for residential households from the communications services taxes.~~

~~(2) APPLICATION OF TAX THAT IS EXEMPT.~~

~~(a) Sales of communications services to a residential household are exempt from not subject to the state portion of the Florida communications services tax, imposed by Section 202.12(1)(a), F.S., and the additional gross receipts tax rate, imposed by Section 203.01(1)(b)3., F.S.~~

~~(b)(3) TAXES THAT ARE NOT EXEMPT. Sales of communications services to a residential household remain are subject to the Florida gross receipts tax rate portion of the Florida communications services tax, imposed by Section 203.01(1)(b)(a)2., F.S., and the local communications services tax rates, imposed by Section 202.19, F.S.~~

~~(c)(4) SERVICES THAT ARE NOT EXEMPT. The This partial exemption for sales to a residential household does not apply to:~~

~~1.(a) Sales of any cable service, as defined in Section 202.11(1), F.S.;~~

~~2.(b) Sales of any direct-to-home satellite service, as defined in Section 202.11(5), F.S.; and~~

~~3.(c) Sales of mobile communications services, as defined in Section 202.11(7), F.S.~~

~~(3)(5) TRANSIENT PUBLIC LODGING ESTABLISHMENTS FACILITIES THAT ARE NOT EXEMPT. The partial This exemption for sales to residential households does not apply to sales to any residence that constitutes all or part of the service address of any structure or any unit within a structure licensed as a transient public lodging establishment, as defined by Section 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.~~

(a) The purchaser is required to notify the communications services ~~dealer provider~~ when the communications services are used in a transient licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the ~~dealer provider~~, for any applicable tax, penalty, or interest due when the services were purchased for use in a transient public lodging establishment.

(b) Persons that are entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential household, as provided in Rules 12A-1.053 and

12A-1.059, F.A.C., are not entitled to the exemption from communications services tax when the service address constitutes all or part of that residential household is licensed as a transient public lodging establishment.

(c) A "transient public lodging establishment," as defined in Section 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1. Advertised or held out to the public as a place that is regularly rented to guests; or

2. Rented more than three times in a calendar year, with each separate rental period having a duration less than 1 calendar month or less than 30 days.

(d) Transient public ~~Public~~ lodging establishments ~~include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary. Examples of transient public lodging establishments include hotels.~~

~~1. Hotels, motels, bed and breakfast inns, transient apartments, nontransient apartments, transient rooming houses, and resort dwellings, other transient establishments;~~

~~2. Any unit or group of units in a condominium, cooperative, time share plan, or other resort condominium; or~~

~~3. Any single family dwelling, duplex, triplex, quadraplex, townhouse, beach cottage, mobile home, or other resort dwelling.~~

~~(4)(6) DOCUMENTATION REQUIREMENTS. A communications services dealer provider, unless notified by the purchaser that the residential exemption does not apply, is not required to collect and remit tax on sales of communications services when:~~

(a) The service is sold at a rate based on a "residential schedule," under the tariffs filed by a service provider with the Public Service Commission; or

(b) A ~~dealer service provider~~ has on file a writing or document evidencing a representation ~~of a customer~~ that the communications services are being purchased for residential household use. The writing or document may be a customer application or a certificate that identifies the customer as purchasing the communications services for residential purposes. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business. A ~~dealer provider~~ must have acted in good faith in accepting the representation of a customer.

~~(5)(7) No change.~~

Rulemaking Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History--New 1-31-02, Amended _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department’s electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of

Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/11	January 2011 –	January 1, 2011 –
08/10	August 2010 – December 2010	August 1, 2010 – December 31, 2010
01/10	January 2010 – July 2010	January 1, 2010 – July 31, 2010
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date	Rulemaking Authority
(3) No change.			175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented
(4)(a) DR-700016	Florida Communications Services Tax Return (R. 01/11)	_____	119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), <u>202.29</u> , 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10(3), 6-28-10(5),_____.
(b) DR-700016	Florida Communications Services Tax Return (R. 08/10)	_____	
(a) through (ee) renumbered (c) through (gg) No change.			
(5) DR-700019	Communications Services Use Tax Return (R. 8/10 4/09)	_____06/40	
(6) through (12) No change.			

NAME OF PERSON ORIGINATING PROPOSED RULE: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4835
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3684-3685). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

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.

RULEMAKING AUTHORITY: 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.
 PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Ron 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 FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/11 01/10</u>)	<u>01/10</u>
(3) through (9)	No change.	
(10) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/11 01/10</u>)	<u>01/10</u>
(11) through (13)	No change.	
(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/11 01/10</u>)	<u>01/10</u>
(15)	No change.	
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/11 01/10</u>)	<u>01/10</u>
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. <u>01/11 01/10</u>)	<u>01/10</u>
(18)	No change.	
(19) DR-248	<u>2011 2010</u> Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>11/10 11/09</u>)	<u>01/10</u>
(20) DR-904	Pollutants Tax Return (R. <u>01/11 01/10</u>)	<u>01/10</u>
(21) DR-309631	Terminal Supplier Fuel Tax Return (R. <u>01/11 01/10</u>)	<u>01/10</u>
(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. <u>01/11 01/10</u>)	<u>01/10</u>
(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. <u>01/11 01/10</u>)	<u>01/10</u>

(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. 01/11 04/10)	___04/10
(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. 01/11 04/10)	___04/10
(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. 01/11 04/10)	___04/10
(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. 01/11 04/10)	___04/10
(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. 01/11 04/10)	___04/10
(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. 01/11 04/10)	___04/10
(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. 01/11 04/10)	___04/10
(31) DR-309636	Terminal Operator Information Return (R. 01/11 04/10)	___04/10
(32) DR-309636N	Instructions for Filing Terminal Operator Alternative Fuel Tax Return (R. 01/11 04/10)	___04/10
(33) DR-309637	Petroleum Carrier Information Return Alternative Fuel Tax Return (R. 01/11 04/10)	___04/10
(34) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. 01/11 04/10)	___04/10
(35) DR-309638	Exporter Fuel Tax Return (R. 01/11 04/10)	___04/10
(36) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. 01/11 04/10)	___04/10
(37) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with Instructions) (R. 01/11 04/10)	___04/10
(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/11 04/10)	___04/10
(39) DR-309645	2011 2010 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/11 04/10)	___04/10
(40) DR-309660	Application for Pollutant Tax Refund (R. 01/11 04/09)	___04/09
(41) No change.		

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3685-3686). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.006	Exemptions and Credits
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Section 3, Chapter 2010-166, L.O.F., increases the base rate of tax on the severance of phosphate rock to \$1.71 per ton beginning July 1, 2010, and decreases the base rate of tax on the severance of phosphate rock to \$1.61 per ton beginning July 1, 2011. The total tax rate, including the surcharge imposed under Section 211.3101(11), F.S., remains at \$1.38 per ton.

The Florida Tax Credit Scholarship Program, as amended by section 1, Chapter 2010-24, L.O.F., allows taxpayers to receive a credit allocation for contributions made to nonprofit scholarship funding organizations. Beginning January 1, 2011, a tax credit of 100 percent of the contribution is allowed against any tax due on oil production in Florida or against any tax due on gas production in Florida imposed under Sections 211.02 and 211.025, F.S. The tax credit may not exceed 50 percent of the tax due on the return on which the tax credit is taken. Emergency Rule 12ER10-04, and proposed Rule Chapter 12-29, F.A.C., Florida Tax Credit Scholarship Program, establish the procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the procedures to be followed by taxpayers when claiming tax credits on tax returns.

The purpose of the proposed amendments to Rule 12B-7.006, F.A.C. (Exemptions and Credits), is to: (1) update the exemptions listed in the rule to include the exemption provided in Section 211.027(3), F.S., for gas vented or flared directly into the atmosphere when the gas is not otherwise sold; (2) provide that provisions for the tax credit available against the tax paid on the production of oil or gas in Florida are provided in Rule Chapter 12-29, F.A.C., as proposed; and (3) update the information on how to obtain copies of forms from the Department.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida and Forms DR-145 and DR-145X for reporting the tax on oil production in Florida to: (1) provide instructions on reporting the tax credit available against the tax paid on oil or gas production in Florida for contributions to an eligible nonprofit scholarship funding organization; (2) simplify the instructions for reporting the taxes on oil, gas, and sulfur production; and (3) update the information on how to obtain copies of forms from the Department.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-142 and DR-142ES to: (1) provide for the reporting of the tax on production of phosphate rock for the period January 2010 – June 2010, and for the period July 2010 – December 2010, at the rates provided in Section 3, Chapter 2010-166, L.O.F.; (2) simplify the instructions for reporting the solid mineral severance taxes; and (3) update the information on how to obtain copies of forms from the Department.

SUMMARY: The proposed amendments to Rule 12B-7.006, F.A.C. (Exemptions and Credits): (1) update the exemptions listed to include the exemption provided in Section 211.027(3), F.S., for gas vented or flared directly into the atmosphere when the gas is not otherwise sold; (2) provide that provisions for the tax credit available against the tax paid on the production of oil or gas in Florida are provided in Rule Chapter 12-29, F.A.C., as proposed; and (3) update the information on how to obtain copies of forms from the Department.

The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida and Forms DR-145 and DR-145X for reporting the tax on oil production in Florida to: (1) provide instructions on reporting the tax credit available against the tax paid on oil or gas production in Florida for contributions to an eligible nonprofit scholarship funding organization; (2) simplify the instructions for reporting the taxes on oil, gas, and sulfur production; and (3) update the information on how to obtain copies of forms from the Department.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-142 and DR-142ES to: (1) provide for the reporting of the tax on production of phosphate rock for the period January 2010 - June 2010, and for the period July 2010 – December 2010, at the rates provided in Section 3, Chapter 2010-166, L.O.F.; (2) simplify the instructions for reporting the solid mineral severance taxes; and (3) update the information on how to obtain copies of forms from the Department.

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.

RULEMAKING AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 1002.395(13) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.025, 211.0251, 211.026, 211.027, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 1002.395 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.006 Exemptions and Credits.

(1) through (4) No change.

(5) Gas vented or flared directly into the atmosphere that is not sold is not subject to tax.

(6) Tax Credits. See Rule Chapter 12-29, F.A.C., for provisions on credits against the tax on oil production in Florida imposed under Section 211.02, F.S., or on gas production in Florida imposed under Section 211.025, F.S.

Rulemaking Specific Authority 211.125(1), 213.06(1), 1002.395(13) FS. Law Implemented 211.02, 211.025, 211.0251, 211.027, 1002.395 FS. History—New 12-28-78, Formerly 12B-7.06, Amended 12-18-94,

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
DR-144	Gas and Sulfur Production Quarterly Tax Return (R. 01/11 08/08)	_____ 01/09
DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax (R. 01/11 08/08)	_____ 01/09
DR-145	Oil Production Monthly Tax Return (R. 01/11 07/09)	_____ 01/09
DR-145X	Oil Production Monthly Amended Tax Return (R. 01/11 07/09)	_____ 01/09

Rulemaking Authority 211.075(2), 211.125(1), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.02, 211.0251, 211.026, 211.075, 211.076, 211.125, 213.755(1), 1002.395 FS. History—New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10,_____.

PART II SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee,

Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. 01/11 01/10)	_____ 01/10
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. 01/11 01/10)	_____ 01/10

Rulemaking Authority 211.33(6), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(2), 211.0251, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 1002.395 FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3686-3687). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
 RULE TITLE: Tax Statement; Overpayments
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement, Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Terry Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee,

Florida ~~32399-0112~~ ~~32304~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/11 01/10)	____ 01/10
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/11 01/10)	____ 01/10
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2010 2009 (R. 01/11 01/10)	____ 01/10
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/11 01/10)	____ 01/10
(7) DR-350900	2010 2009 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/11 01/10)	____ 01/10

Rulemaking Authority 213.06(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, ~~624.402~~, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3687). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
 RULE TITLE: Forms

PURPOSE AND EFFECT: Section 13, Chapter 2010-147, L.O.F., creates Section 220.1896, F.S., authorizing a jobs for the unemployed tax credit against corporate income tax. The

purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax, including instructions on how to take the jobs for the unemployed tax credit.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, updates for the jobs for the unemployed tax credit and changes to forms used by the Department in the administration of the corporate income tax.

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.

RULEMAKING AUTHORITY: 213.06(1), 220.187, 220.1896(9), 220.192(5), (7), 220.193(4), 220.51, 288.9921, 1002.395(13) FS.

LAW IMPLEMENTED: 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 288.9916, 624.51055, 1002.395 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Charles Dunning, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4)(a) F-1065	Florida Partnership Information Return (R. <u>01/11 01/10</u>)	_____ 01/10
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>01/11 01/10</u>)	_____ 01/10
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(6)(a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <u>01/11 01/10</u>)	_____ 01/10
(b) F-1120N	F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <u>2010 2009</u> (R. <u>01/11 01/10</u>)	_____ 01/10
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and Emergency Excise Tax for Taxable Year Beginning on or after January 1, <u>2011 2010</u> (R. <u>01/11 01/10</u>)	_____ 01/10
(8) through (12)	No change.	
(13)(a) F-1193	Application for Florida Renewable Energy Production Credit Allocation (R. <u>01/11 01/10</u>)	_____ 04/10
(b) F-1193T	Notice of Intent to Transfer A Florida Energy Tax Credit (R. <u>01/11 12/09</u>)	_____ 04/10
(14)	No change.	
(15) F-7004	Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. <u>01/11 01/10</u>)	_____ 01/10

Rulemaking Authority 213.06(1), 220.187, 220.1896(9), 220.192(5), (7), 220.193(4), 220.51, 288.9921, 1002.395(13) FS. Law Implemented 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, ~~220.187~~, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 288.9916, 624.51055, 1002.395 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12)(a), (b), 4-26-10(13)(a), (b), 6-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Dunning, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3687-3688). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on governmental leasehold estates and to provide the 2011 Valuation Factor Table used to calculate the amount of tax due.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, the updates to forms used by the Department in the administration of the tax on government leasehold estates and to the 2011 Valuation Factor Table.

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.

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS. LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.135, 199.232, 199.292 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 2, 2010, 9:30 a.m. PLACE: Room 1220, 2450 Shumard Oak Blvd., 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: Sarah Wachman at (850)410-2651. 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: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 ~~32304~~. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-601G	<u>Governmental</u> Government Leasehold Intangible Personal Property Tax Return for <u>2011</u> 2010 Tax Year (R. <u>01/11</u> 01/10)	___ <u>01/10</u>

(3) through (5) No change.

Rulemaking Authority 199.202(2), 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3688). No request was received by the Department to hold a workshop. No written comments have been received by the Department

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-79.006
RULE TITLE: Construction Management Development Program

PURPOSE AND EFFECT: Rule Chapter 14-79, F.A.C., is being amended to update, reorganize, and clarify the Construction Management Development Program and Bond Guarantee Program.

SUMMARY: The Construction Management Development Program and Bond Guarantee Program requirements are addressed.

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.

RULEMAKING AUTHORITY: 334.044(2), 339.0805 FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 339.0805 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-79.006 Construction Management Development Program.

This rule implements a voluntary, comprehensive Construction Management Development Program (CMDP) for Disadvantaged Business Enterprises (DBE) and other small

businesses. The CMDP ~~and~~ establishes a program to provide ~~for providing~~ financial assistance to ~~DBEs Disadvantaged Business Enterprises~~ through a Bond Guarantee Program (BGP).

(1) For the purpose of administering this program, the following definitions shall apply:

(a) "Bond Guarantee Program" or "BGP" means a ~~plan program~~ in which the state will act as a secondary surety for a ~~DBE Disadvantaged Business Enterprises~~.

(b) "Certification of Proficiency" means a certificate awarded to those contractors meeting the minimum curriculum standards of ~~ability proficiency~~.

(c) "Certified Small Business" means a small business which has been approved by the Department ~~or its Contracted Service Provider~~ as meeting the statutory criteria to participate in the ~~CMDP Construction Management Development Program~~.

(d) "Construction Management Development Program" or "CMDP" means an original ~~course program~~ of instruction taught to groups of individuals who are owners of ~~DBEs Disadvantaged Business Enterprises~~ or ~~Ceertified Ssmall Bbusinesses~~ to enhance, improve, or develop the skills needed to successfully perform construction projects. This ~~course program~~ shall consist of classroom ~~instruction~~ and on-the-job instruction.

(e) "Department" means the Florida Department of Transportation.

~~(f)(e)~~ "Disadvantaged Business Enterprise" or "DBE" means a small business ~~concern~~ which has been certified ~~under the Florida Unified Certification Program~~ as a Disadvantaged Business Enterprise ~~by either the Department pursuant to Rule Chapter 14-78 or the United States Small Business Administration~~.

~~(g)(f)~~ "Minimum Curriculum Standards of Proficiency" means ~~the requirements established as the lowest level of knowledge and ability minimum requirements that~~ a contractor must attain ~~in to demonstrate proficiency and capability regarding~~ the instruction received through the classroom ~~instruction~~ portion of the ~~CMDP Construction Management Development Program~~.

~~(h)(g)~~ "Small Business" means any firm with annual gross receipts which do not exceed two million dollars averaged over the previous three year period.

(2) Construction Management Development Program/ Bond Guarantee Program Application.

(a) Disadvantaged Business Enterprises ~~(DBE)~~. All DBE firms seeking admission to the Construction Management Development Program/Bond Guarantee Program ~~(CMDP/BGP)~~ shall complete and submit ~~an Application For Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP), FDOT Form 275-030-070, Rev. 06/10, incorporated herein by reference, a~~

~~CMDP/BGP Application~~ to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(b) Small Businesses. Any firm seeking classification ~~certification~~ as a Certified Small Business in order to participate in the CMDP Construction—Management Development Program shall complete and submit an Application for a Small Business Certification (SBC), FDOT Form 275-030-071, Rev. 06/10, incorporated herein by reference, and CMDP Application to the Department of Transportation, Bureau of Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(c) The CMDP applicant may also request exemption from the classroom and on-the-job instruction.

(3) Needs Assessments.

(a) Within 90 days of receipt of the CMDP/BGP application, the Department or its Contracted Service Provider will shall conduct a needs assessment of the Certified Small Business/Disadvantaged Business Enterprise. The ~~purpose of the~~ assessment shall be to:

1. Determine the applicant's areas of strengths and weaknesses ~~of the applicant~~ in terms of proficiency and capability to perform in performing on highway construction and transportation support related projects;

2. Identify those applicants who should receive an exemption from the CMDP Construction—Management Development Program because of demonstrated satisfactory project performance. This determination will be based on a scoring system which evaluates evaluation of the applicant ~~on the scoring system in this rule~~ using the following sources:

- a. Needs assessment report;
- b. Application;
- c. Document(s) accompanying application;
- d. Interviews with the applicant;
- e. Interviews with the Department staff familiar with the applicant's work;
- f. Review of applicant's past performance ~~record~~ from the Department's Department records and reference;
- g. Any other reports or information ~~that inform~~ about the applicant's performance and capacity;

3. Determine the specific courses for which the applicant should register in order to improve skills and correct weaknesses or deficiencies; and

4. Identify areas of need for technical assistance through on-the-job training.

(b) Within 45 days of after completion ~~of the needs assessment,~~ each applicant will shall be notified in writing of the findings and recommendations of the needs assessment.

(4) Eligibility for the CMDP Construction—Management Development Program. Participants in the CMDP Construction Management Development Program will consist of those

DBEs and Certified Small Businesses; which have obtained a needs assessment by the Department or its Contracted Service Provider. This program will consist of two primary components: Classroom Instruction and On-the-Job Instruction.

(5) To enroll in the CMDP, each applicant shall submit a completed application form to the Department or its Contracted Service Provider along with the appropriate application fees set by the Department.

(a) The Department or its Contracted Service Provider shall forward written notification to the educational institution conducting the classroom instruction advising to advise of the applicant's approval to register. It will be the applicant's responsibility to complete registration and pay registration fees as required by the institution.

(b) Each institution conducting classroom instruction will submit completed registration information to the Department or its Contracted Service Provider.

(6) Classroom Instruction shall include instruction in project planning methods for identifying manpower, equipment, and financial resource needs; bookkeeping; project scheduling; state bidding and bonding requirements; state and federal tax requirements; strategies for obtaining loans and surety bonding; and techniques for negotiating and drafting joint venture agreements.

(a) A classroom curriculum will be established by the Department or its Contracted Service Provider in conjunction with the State University System, the community college system, school district vocational technical centers, or a private consultant firm.

(b) Classes, course requirements, and class testing requirements shall be established by the educational institutions.

(c) Conduct of Classroom Instruction.

1. The Department or its Contracted Service Provider will approve the number ~~of courses~~ and types of courses that shall compose a complete program of instruction, by trade or profession, for DBEs desiring admission to the Bond Guarantee Program. ~~Satisfactory~~ Completion of the classroom curriculum will be required of all applicants ~~for the Bond Guarantee Program~~ which have not received an exemption from the CMDP.

2. Curriculum Standards. The Department or its Contracted Service Provider shall approve the program of courses established by the educational institutions and/or private sector firms ~~for specific trade and professional groups~~ that must be ~~successfully~~ completed (to meet minimum curriculum standards of proficiency) in order to receive a certificate of proficiency for each definitive group. Those groups shall include:

- a. General contractors, highway construction;

b. Special trade/professional contractors, including asphalt paving, building, construction/modification, concrete, miscellaneous, drainage, earthwork, erosion control, fencing, guardrail, landscaping, painting, steel, traffic control, trucking, architecture, business and financial management, consultants, and materials supply.

(d) Follow-up of Classroom Instruction. Participants who ~~desire to~~ take additional classroom instruction will be permitted to do so without paying an additional application fee, however, but all course registration fees will have to be paid.

(7) On-the-Job Instruction. On-the-job instruction shall also be known as technical assistance. The instruction shall include the following areas: setting up the job site; cash flow method; project scheduling; making quantity take-offs and cost estimating; reading plans and specifications; Department procedures on billing and payments; quality assessment and control methods; and bid preparation methods.

(a) Initiating Procedure. As a result of the needs assessments or classroom instruction, areas of deficiency shall be identified for which technical assistance may be appropriate. Any participant in the CMDP may also request technical assistance in any area of training provided as part of the program.

(b) Technical Assistance Plans.

1. Upon receipt of the Technical Assistance Request, FDOT Form 275-030-073, Rev. 06/10, incorporated herein by reference, from a participant, the Department or its Contracted Service Provider shall review the request and develop a technical assistance plan. The ~~That~~ plan shall will contain the following information:

- a. Approach to resolving the problem.
- b. The type of training required to resolve the problem.
- c. The number of technical assistance days (eight hours per day) estimated to resolve the problem.
- d. Cost of assistance.

2. The Department or its Contracted Service Provider shall submit a plan to the participant within 30 days of receiving the request for technical assistance. Upon payment of the required fee, the Department or its Contracted Service Provider shall assign a consultant or Department employee to provide the technical assistance at the participant's place of business or jobsite.

3. Upon completion of the needs assessment which identified areas of needed technical assistance, or receipt of information from an institution providing classroom instruction, that a participant is in need of technical assistance in certain delineated areas, the Department or its Contracted Service Provider shall review the information and develop a technical assistance plan to address the identified needs. The ~~That~~ plan will contain the following information:

- a. Approach to resolving the problem.
- b. The type of training required to resolve the problem.

c. The number of technical assistance days (eight hours per day) estimated to resolve the problem.

d. Cost of assistance.

(8) Exemption from the CMDP Construction Management Development Program.

(a) The Department or its Contracted Service Provider shall determine exemption from the classroom and on-the-job training based on an evaluation of the applicant's project performance compared through comparison with the minimum curriculum standards of proficiency. Evaluation shall be based on the following scoring system:

1. Administration/Management of Business – Maximum 15 Points

a. Holds all relevant licenses and meets all other legal requirements regarding firm's ~~his~~ business.

b. Shows the capability to develop an overall business plan.

c. Produces the firm's credit history ~~of the firm~~.

d. Maintains adequate staff and employees required to carry out the work associated with the firm's business.

e. Maintains a payroll system set up to feed accurate and complete information into the job costing system.

f. Able to generate accurate financial statements in accordance with generally accepted accounting principles.

g. Has policies and procedures regarding timely billing and collection from customers.

2. Bidding/Estimates – Maximum 20 Points

a. Demonstrates an understanding of ~~to implement~~ all requisite steps in the preparation of Department bids.

b. Demonstrates competence in ~~accurately~~ estimating project cost accurately.

3. Contract Negotiating and Knowledge – Maximum 15 Points

a. Demonstrates an understanding of contract terms concerning the rights, obligations, and liabilities for the Small Businesses/Disadvantaged Business Enterprises.

b. Demonstrates an understanding of the basic elements of Department contracts.

c. Demonstrates an ability to adequately negotiate, draft, and interpret subcontracts.

4. Project Planning – Maximum 20 Points

a. Demonstrates capability in scheduling and phasing the work of a project, and in allocating manpower to timely complete projects ~~the project~~.

b. Demonstrates skill in developing schedules for ordering, ~~and~~ assuring delivery of materials and equipment, and hiring of work force.

c. Demonstrates knowledge of ~~the~~ reports and other paperwork, required by the Department and/or the prime contractor.

5. Project Performance – Maximum 30 Points

a. Maintains a system of project monitoring, which includes jobsite inspections by management, as well as periodic reporting from ~~the their~~ project superintendent.

b. Maintains a field monitoring and reporting system to warn of any deviations from project schedule or cost overruns.

c. Maintains a system for keeping accurate records of the time expended and materials used on a project, and reporting ~~the records on a same on the~~ monthly progress pay estimate.

d. Demonstrates capability to maintain an updated and accurate job costing system.

e. Maintains a system for dealing with change orders; including requiring written change order and method for calculating prices to cover the changes.

f. Demonstrates knowledge of project closeout procedures.

TOTAL MAXIMUM POINTS: 100

(b) The Department ~~or its Contracted Service Provider~~ shall assign the score that is most representative of the Small Business/Disadvantaged Business Enterprise's proficiency.

1. For scores of 85 and above, the Small Business/Disadvantaged Business Enterprise shall be exempt from the CMDP.

2. For scores under 85, the Small Business/Disadvantaged Business Enterprise may be enrolled in the CMDP, if obtaining a certificate of proficiency is desired.

(9) Certificate of Proficiency.

(a) Validation of proficiency in minimum curriculum standards. Each DBE participant must ~~satisfactorily~~ complete each component of the classroom training in order to meet the minimum standard of proficiency, or receive exemption, to gain admission to the Bond Guarantee Program. The DBE shall be awarded a Certificate of Proficiency upon ~~successful~~ completion of the classroom component and completion of all required technical assistance training, or upon receipt of exemption.

(b) Small business participants shall be awarded a Certificate of Proficiency upon ~~successful~~ completion of all ~~relevant~~ classroom courses for their trade/profession, and completion of all required technical assistance training. Certified Small Businesses shall not be allowed admission into the Bond Guarantee Program.

(10) Bond Guarantee Program.

(a) Department Requirements/Limitations.

1. Based on a specific annual appropriation, the Department provides a bond guarantee program on ~~Department~~ contracts with guarantees of up to 90 percent of a bond provided by an approved surety in the amount of \$250,000 or less and 80 percent of a bond amount in excess of \$250,000. Therefore, the number, size, and availability of the bond guarantees to DBEs shall be limited by the annual legislative appropriation. The Department shall not commit funds in excess of those funds appropriated specifically for this purpose.

2. As a condition of receiving a bond guarantee on a Department contract, the Department shall retain five percent of the total contract amount designated for the ~~DBE Disadvantaged Business Enterprise~~. This bond guarantee retainage shall be released upon final acceptance of the project and receipt of a Contractor's Affidavit and Surety Consent ~~(Form 21-A), FDOT Florida Department of Transportation Form 700-050-21 (Form 21-A), Rev. 12/09 08/04,~~ incorporated herein by reference, submitted to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450, showing all subcontractors and suppliers have been paid.

(b) Surety Company Requirements/Limitations. The Department shall establish a list of ~~qualified~~ surety companies licensed to write bonds in the State of Florida who have agreed ~~agree~~ to participate in the Bond Guarantee Program. Bonds that are eligible for a ~~Department~~ guarantee under this program must be executed by an approved ~~a~~ surety company ~~on the Department's approved list.~~

(c) Disadvantaged Business Enterprise Eligibility Requirements/Limitations.

1. Eligibility ~~to participate~~ in the Bond Guarantee Program shall be specifically limited to DBEs who have received ~~attained~~ a Certificate of Proficiency ~~by meeting the minimum curriculum standards of proficiency in the construction management development program~~ or have received an exemption from the CMDP ~~construction management development program.~~

2. After admission into the Bond Guarantee Program, each DBE who has never applied for a bond or who has never been granted a bond shall be enrolled in a bonding principles seminar sponsored by the Department or its Contracted Service Provider and carried out by it or one of its representatives. ~~This service shall be optional for DBEs who are currently able to obtain bonding.~~ The bonding principles seminar includes instruction in overview of bonding and construction, types of bonds, rights of the surety, reason for default, description of surety industry bonding criteria, loan and bond package portfolio checklist, and evaluation of bond application. This service shall be optional for DBEs who are currently able to obtain bonding.

(d) Bond Applications. When requested by the DBE, the Department or its Contracted Service Provider will ~~shall~~ provide assistance in preparing bond applications ~~that are~~ to be presented to surety companies in order to obtain a bonding capacity.

1. When the DBE has developed a complete package which is deemed acceptable, it will be forwarded to a surety company that has agreed to participate in this program.

2. Upon review, each DBE applicant will be given bonding capacity by the surety.

(e) When a DBE, which has been accepted in the Bond Guarantee Program, is awarded a Department contract, the Department or its Contracted Service Provider shall ~~will~~ assist the DBE in obtaining a surety bond.

1. The Department shall extend the period for contract execution, ~~of the contract~~ without penalizing contract time, if necessary to complete the bonding process.

2. Once the surety company decides to execute the bond ~~on the basis of the Bond Guarantee Program~~, a Justification for Bond Guarantee ~~form (FDOT Eform 275-030-074 a, 06/10, 3/89)~~ incorporated herein by reference, shall ~~will~~ be submitted by the surety company to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450 ~~to the Department~~.

3. Upon receipt of the Justification for Bond Guarantee form, the Department shall ~~will~~ execute and return the Bond Guarantee Agreement form to the surety company.

(f) Project monitoring and technical assistance will ~~shall~~ be provided to all DBEs obtaining Department contracts and receiving a bond guarantee.

~~(11)~~ Appeal Procedures.

(a) ~~If the Department intends to deny an application for admission into the construction management development program, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~(11)(12)~~ Participation Revocation.

(a) ~~Participation in The Department's acceptance of a DBE in the CMDP/BGP is only available to DBEs and Certified Small Businesses Construction Management Development Program/Bond Guarantee Program shall be revoked if the Department finds the DBE is no longer certified as a DBE by the Department or the Small Business Administration.~~

~~(b) A certified Small Business' participation in the Construction Management Development Program shall be revoked if the Department finds the small business no longer meets the certification requirements as set forth in this rule chapter.~~

~~(b)(e) A Certified Small Business/Disadvantaged Business Enterprise's shall not be allowed to participate participation in the CMDP/BGP Construction Management Development Program/Bond Guarantee Program shall be revoked if the Department finds the Small Business/Disadvantaged Business Enterprise intentionally willfully made a false, deceptive, or fraudulent statement in any document submitted to the Department or its Contracted Service Provider.~~

~~(d) Prior to revoking Small Business/Disadvantaged Business Enterprise membership in the Construction Management Development Program/Bond Guarantee Program, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~(13) Implementation. Implementation of this rule chapter is subject to annual legislative appropriations of funding for this purpose. The Department shall limit participation in the CMDP/BGP based upon annual funding levels.~~

~~(12)(14) Forms. The following listed forms are hereby incorporated by reference and made a part of the rules of the Department:~~

Form Number	Form Title	Revision Date
275-030-070-a	Application for Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP)	03/89
275-030-071-a	Application for Small Business Certification (SBC)	03/89
275-030-073-a	Technical Assistance Request	03/89
275-030-074-a	Justification for Bond Guarantee	03/89
700-050-21	Contractor's Affidavit and Surety Consent (Form 21-A)	08/04

~~Copies of the forms incorporated by this rule chapter these forms are available to be obtained from the Florida Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Mail Station 65, Tallahassee, Florida 32399-0450.~~

~~Rulemaking Specific Authority 334.044(2), 339.0805(1)(b) FS. Law Implemented 334.044(28), 337.141, 339.0805(2) FS. History--New 5-24-89, Amended 8-5-96, 10-30-96, 5-6-97, 1-17-99, 3-28-00, 10-19-04.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Arthur E. Wright, Manager, Equal Opportunity Office~~

~~NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2010~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010~~

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the testing procedures for those inmates who claim an inability to urinate in the presence of others; clarify identification procedures prior to conducting a substance abuse test; and to amend the language for clarity and grammatical accuracy.

SUMMARY: The proposed rule clarifies substance abuse testing procedures for inmates who claim an inability to urinate in the presence of others and clarifies the procedures necessary to ensure identification of an inmate prior to substance abuse testing. The language of the rule is generally amended for clarity and grammatical accuracy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

- (1) Definitions.
- (a) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC1-824, Affidavit for Admission of Drug Use. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

- (h) No change.
- (2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

- 1. No change.
- 2. For-cause drug testing (also referred to as reasonable suspicion drug testing) means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

- a. through b. No change.
- c. Evidence or intelligence reports indicating that an inmate has used, possessed, sold, solicited, or transferred drugs or alcohol.

3. through 5. No change.

6. A copy of Form DC6-210, Incident Report, shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) No change.

(c) Substance Abuse Program Testing. Inmates participating in substance abuse programs will be subject to substance abuse testing as a condition of the programs program.

(3) Procedures.

(a) Chain of Custody.

1. At a minimum, the Chain of Custody Form must include inmate and tester identification, initialed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause, or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody Form allows for comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process and any unusual nature (e.g., discolored urine or urine containing foreign objects) of a specimen ~~provided~~ shall be noted.

3. through 4. No change.

(b) Specimen Collection Procedures.

1. The tester shall ensure that all urine specimens are collected in accordance with department procedures. All collections shall be performed under direct observation, where the tester directly observes the voiding of urine into the specimen cup, ~~unless the inmate has been placed in a dry cell~~. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation of an inmate by a tester of the opposite sex allowed.

3. A female inmate shall not be required to provide a urine specimen during her menstrual cycle.

4. ~~Prior to collecting a urine specimen, the~~ The tester shall ensure that there is positive inmate identification by observing the inmate, confirming his or her ~~prior to collecting the inmate's urine specimen. Sight, name and, DC number, and examining the examination of an~~ inmate's picture identification card ~~shall provide positive identification of the inmate selected for drug testing.~~

5. through 6. No change.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less ~~than this amount~~, the tester shall again attempt to collect an adequate specimen. If the inmate cannot immediately provide an adequate specimen, ~~then~~ the procedure outlined in subparagraph (3)(b)8. below shall apply.

8. An inmate who has not provided an adulterated urine specimen and who claims an inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. Form ~~DC1-823 DCI-823~~ is incorporated by reference in paragraph (3)(h) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

9. No change.

10. Inmates who have adulterated their urine ~~specimen~~ by ingesting substances, as established by the on-site specimen adulteration testing product, shall be detained in the presence of the tester or placed in a dry cell for a period not to exceed one hour. During that time, the inmate shall not be allowed to consume any water or other beverage. If after the one hour period an inmate still fails to submit an unadulterated, valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate

specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. No change.

2. The inmate shall remove ~~the contents of his or her pockets and~~ his or her shirt, shoes, pants, ~~and~~ hat, ~~and the contents of his or her pockets.~~ The inmate shall be thoroughly searched prior to entering the dry cell to prevent him or her from using any adulterants such as bleach or cleanser to alter the specimen.

3. through 6. No change.

7. If after the two hour period an inmate fails to submit a valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6. In this circumstance, the inability to urinate is not treated as a medical condition, and the officer does not need to verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame.

(e) Testing of urine specimens.

1. through 4. No change.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results in ~~on~~ the department's electronic database. The tester will then dispose of the remaining specimen, specimen cup, and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. No change.

a. If the inmate chooses to sign Form DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed in ~~into~~ administrative

confinement, and a disciplinary report shall be written. The signed Form DC1-824 will be attached to the disciplinary report to be used as evidence in the disciplinary hearing.

b. No change.

c. If the inmate does not sign Form DC1-824, the following steps shall be taken:

i. through ii. No change.

iii. The tester shall then prepare the urine specimen for shipment, by a commercial carrier, to the designated outside laboratory for confirmation testing.

iv. No change.

7. No change.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate in accordance with ~~following~~ the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign Form DC1-824, Affidavit for Admission of Drug Use, ~~then~~ a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in ~~paragraphs~~ paragraph (3)(b); ~~specimen collection procedures, and paragraph~~ (3)(c) above; ~~testing of urine specimens.~~

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or ~~his~~ designee. Form DC1-827, Reasonable Suspicion Testing Tracking ~~Form~~, shall be utilized for this purpose. Form DC1-827 is incorporated by reference in paragraph (3)(h) of this rule.

(g) Record keeping. Each facility shall keep all records pertaining to the testing program. This includes the drug testing list and results, Chain of Custody forms, laboratory confirmation reports, and inventory control logs. All records shall be kept in accordance with state law and rules regarding retention of records.

(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. Form DC1-823, Acknowledgement of Beverage, effective ~~date~~ February 5, 2001.

2. Form DC1-824, Affidavit for Admission of Drug Use, effective ~~date~~ February 5, 2001.

3. Chain of Custody Form, effective ~~date~~ February 5, 2001, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective ~~date~~ February 19, 2007.

Rulemaking Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gene Hatcher, Inspector General

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.105
RULE TITLE: Refusal of Health Care Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide the process for refusal of health care services by inmates and the documentation thereof.

SUMMARY: The proposed rule provides guidelines for processing and recording an inmate's refusal of health care services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 944.09, 945.6034 FS.

LAW IMPLEMENTED: 944.09, 766.103, 945.6034 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.105 Refusal of Health Care Services.

(1) Definitions.

(a) Provider – a mental or physical health physician, clinical associate, or dentist.

(b) Refusal – an inmate-initiated decision to decline a procedure or treatment that a health care provider has indicated is medically necessary.

(2) It is the responsibility of the provider ordering a particular procedure or treatment to explain to the inmate at the time the initial order is written the:

- (a) Diagnosis;
 - (b) Nature and purpose of the procedure or treatment;
 - (c) Risks and benefits involved in the proposed treatment or procedures; and
 - (d) Alternative treatments or procedures.
- (3) Documentation of refusal of treatment or procedure.

(a) If an inmate refuses an aspect of health care services other than medication, which is addressed in subsection (4), the inmate shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. Form DC4-711A is incorporated by reference in subsection (7) of this rule.

(b) If an inmate is being transferred to another facility for medical treatment and indicates prior to departing that he or she will refuse the treatment, the provider at the receiving facility shall be contacted. The provider at the sending facility shall advise the inmate of the risks associated with not receiving recommended treatment. If the inmate still refuses, he or she will be returned to health services to sign Form DC4-711A, Refusal of Health Care Services, and a follow-up visit shall be scheduled to assess if the treatment should be pursued.

(c) A note documenting the date and time of a refusal and stating "refusal signed for (inmate's name and DC#)" shall be made on the chronological record of health care located in the inmate's health record.

(d) Prior to inserting Form DC4-711A, Refusal of Health Care Services, into the inmate's health record, it will be reviewed, initialed, and dated by a provider. This review will be documented on the inmate's chronological record of health care.

(e) Refusal of dental services will be documented by dental health staff on Form DC4-724, Dental Treatment Record, and Form DC4-711A, Refusal of Health Care Services. Form DC4-724 is incorporated by reference in subsection (7) of this rule.

(f) Refusal of mental health services will be documented on Form DC4-711A, Refusal of Health Care Services.

(g) Completed Forms DC4-711A and DC4-724 shall be placed in the inmate's health record.

(4) Medication Refusal.

(a) Inmates may verbally refuse a dose of medication upon presenting to the medication window.

(b) An inmate who has refused either three consecutive doses of medication or five doses over the course of a month shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the

notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(c) If an inmate states that he will refuse all further doses of a prescribed medication, Form DC4-711A, Refusal of Health Care Services, shall be completed and must be signed by the inmate. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate will no longer be required to report to the medication window for the purpose of taking the refused medication. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(5) An inmate may not refuse admission to the infirmary, isolation management (medical or mental health), transitional care, or crisis stabilization, as these are institutional housing assignments. The inmate may refuse all medical care while in these housing assignments, but the above-outlined process for refusal of medical treatment shall be followed.

(6) An inmate's refusal of health care services cancels a specific order, treatment, or procedure. A new order will be necessary to initiate a treatment or procedure that has been refused.

(7) The following forms are hereby incorporated by reference. A copy of these forms is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500.

(a) Form DC4-711A, Refusal of Health Care Services, effective, _____.

(b) Form DC4-724, Dental Treatment Record, effective, _____.

Rulemaking Authority 944.09, 945.6034 FS. Law Implemented 944.09, 766.103, 945.6034 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Olugbenga Ogunsanwo, Deputy Secretary of Health Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NOS.:	RULE TITLES:
60FF-6.001	Purpose
60FF-6.002	County E911 Plan Compliance
60FF-6.003	Request for Certification of Compliance
60FF-6.004	Florida Emergency Communications Number E911 State Plan Administration Rule

60FF-6.005 Florida Emergency Communications
Number E911 State Plan Technical
and Operations Rule

PURPOSE AND EFFECT: Provide necessary rules for implementing and coordinating a cohesive statewide emergency communications number "E911" plan for enhanced 911 services, which will provide citizens with rapid direct access to public safety agencies by accessing "911" with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services.

SUMMARY: The proposed rule defines E911 system requirements, the application and approval process, security requirements and service and maintenance priorities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared. The Statement of Estimated Regulatory Cost estimates seven large counties, thirty medium counties and thirty rural counties will be required to comply with the rule. All counties currently have established Enhanced 911 systems and the costs for compliance vary and depend upon the number of Public Safety Answering Points established by the county. Florida law provides for a capped fifty cent fee on wireless and nonwireless communications that is collected and disbursed to the counties by the E911 Board to offset the costs for E911 emergency communication service. Rural counties are provided additional special funding opportunities through the E911 Board rural county grant program for E911 equipment, maintenance and system costs. The rulemaking will have no effect on small business.

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.

RULEMAKING AUTHORITY: 365.171(4) FS.

LAW IMPLEMENTED: 365.171(4), (10) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 22, 2010, 9:00 a.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Room 225A, Tallahassee, Florida 32399-0950 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: Queenell Fox at (850)921-0522. 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 RULES IS: Wink Infinger, Department of Management Services/Division of Telecommunications, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)921-0041; Wink.Infinger@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60FF-6.001 Purpose.

(1) The purpose of this rule chapter is to prescribe necessary rules for implementing, coordinating and maintaining a statewide emergency Enhanced 911 communication system. It also prescribes the necessary procedures to be followed by an entity of local government for implementation of the Florida Emergency Communications Number E911 State Plan.

(2) Definitions:

(a) "Automatic location identification" (ALI) – The capability of the E911 service which enables the automatic display of information that defines the approximate geographic location of the wireless telephone, or the location of the address of the wireline or VoIP telephones, used to place a 911 call.

(b) "Automatic number identification" (ANI) – The capability of the E911 service which enables the automatic display of the service number used to place a 911 call.

(c) "Customer Premises Equipment" (CPE) including communications or terminal equipment located at a PSAP for 911 call processing and answering.

(d) "Enhanced 911" (E911) – A telephone system which includes network switching, data base and Public Safety Answering Point premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call back number.

(e) "Master Street Addressing Guide" (MSAG) – The database of street names and number ranges used to define unique addresses recognized for public safety agencies response to 911 calls.

(f) "Public Safety Answering Point" (PSAP) – A public safety agency answering point that receives incoming 911 calls for dispatching of appropriate public safety agencies to respond to the 911 calls.

1. "Primary PSAP" – An answering point that has 911 calls routed directly from an E911 control office, 911 selective router, or directly from the service providers.

2. "Secondary PSAP" – An answering point that receives 911 calls transferred from a primary PSAP for the purpose of handling public safety agency calls. A secondary PSAP receives transfers of the voice, ANI, and ALI data for 911 calls from primary PSAPs.

(g) "Teletypewriters" (TTY) – A telecommunications device for the deaf that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people.

(h) “Uninterruptible Power Supply” (UPS) – A device designed to provide a continuing source of power without regard to the interruption or loss of commercial power.

(i) “Department” – The Department of Management Services (DMS)

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.002 County E911 Plan Compliance.

(1) Each County E911 plan shall include:

(a) System Summary including identification of all public safety agencies (law enforcement, fire protection, emergency medical, and rescue agencies), within the boundaries of the 911 system including PSAPs, government agencies, type of systems and service providers and any major distinguishing features.

(b) System Management including a brief description of how the system is presently being or will be managed.

(c) Agreements including briefly described agreements between PSAPs (inter-local agreements) and counties (regional agreements).

(d) System definition section defining each PSAP and its equipment compliance with the technical and operational standards in Rule 60FF-6.005, F.A.C., and shall include the number of answering positions, total staff and the number of incoming trunks.

(e) Call handling section defining how each PSAP handles calls intended for each emergency service agency within its jurisdiction.

(f) System serving area showing each PSAP, each central office area, central office overlap areas. This information will not be posted on the State E911 Web site with the County E911 plan.

(g) PSAP 911 Trunk Network, a functional diagram, showing the routing of calls from the various central offices and other E911 circuits to the various PSAPs. This information will not be posted on the State E911 Web site with the County E911 plan.

(2) All E911 systems shall conform to Rule 60FF-6.005, F.A.C. Should an entity of local government desire to alter its system, it shall seek prior approval in accordance with Section 365.171(9), Florida Statutes. The request shall be submitted in writing to the Statewide 911 Coordinator, including identification of PSAP(s)/agencies, new equipment and quantities, delete equipment and system cost.

(a) If said request is approved, the Department of Management Services shall thereupon deliver written notification thereof to the requesting entity.

(b) If said request is denied, the Department of Management Services shall thereupon deliver written notification thereof to the requesting entity, setting forth therein the specific reasons for said denial.

(3) The existing county E911 plan shall be modified to reflect the expansion and changes, and each change shall be clearly noted.

(4) Final county E911 plan approval must be obtained prior to the system becoming operational. Once a system is operational; an entity can submit a written request to the statewide 911 coordinator for a certification inspection of its respective E911 system as meeting the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.003 Request for Certification of Compliance.

(1) Certification will determine that the E911 systems operated or planned to be operated by entities of local government meet the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C., so that an established minimum standard of service is available to citizens within any given E911 serving area. Entities of local government shall coordinate closely with Department of Management Services’ personnel in the development of their respective E911 systems per Rule 60FF-6.002, F.A.C.

(2) A DMS representative will coordinate the scheduling of inspections with county 911 coordinators.

(3) Upon completion of the inspection, the statewide 911 coordinator will send to the county 911 coordinator a list of all PSAPs that have passed the inspection and or a list of all PSAPs that have deficiencies. Any deficiencies will be explained and if applicable, specific directions detailing how to correct deficiencies will be included. DMS will rely on the county 911 coordinator and PSAP supervisors to make the necessary corrections. Upon receipt of written correspondence from the county 911 coordinator stating that corrections have been made, DMS will add the newly approved PSAP(s) to the list of certified PSAPs.

(4) PSAPs that pass the inspection of the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C., will be certified as compliant with the State E911 Plan pursuant to Section 365.171(10), Florida Statutes.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.004 Florida Emergency Communications Number E911 State Plan Administration Rule.

(1) The Board of County Commissioners in each county is established as the responsible fiscal agent. The funds collected and interest earned are appropriated for E911 purposes by the county commissioners for the County 911 system and operations. Ultimate responsibility and authority within a county for the E911 System rests with the Board of County Commissioners.

(2) The only advertised emergency number shall be 911. This shall include emergency numbers on public safety vehicles, stickers, signs and telephone directories. Specifically, the only advertised emergency number for Teletypewriters (TTYs) shall be 911. All other listed or advertised telephone numbers shall be designated as non-emergency or other important numbers.

(3) County 911 Coordinator.

(a) The Board of County Commissioners shall designate a knowledgeable individual as its county 911 coordinator. This individual is responsible for coordinating the E911 program within their county, who will serve as a single point of contact with the Department for all E911 related issues. The Board of County Commissioners shall provide written notification to the Statewide 911 Coordinator when a new county 911 coordinator has been designated.

(b) The county 911 coordinator must make critical infrastructure investment recommendations to the Board of County Commissioners. This individual must provide the expertise needed to ensure the county complies with all state and federal laws and rules affecting E911. The county 911 coordinator is responsible for assembling all cost data and determining the amount of necessary funding. The county 911 coordinator shall advise the county commissioners so that appropriate fiscal measures can be adopted by the Board of County Commissioners to fully fund the county's E911 system. Annual E911 financial information updates shall be provided by the Board of County Commissioners to the Florida E911 Board and DMS.

(c) The county 911 coordinator must implement countywide systems and standards that meet or exceed technical and operational standards in Rule 60FF-6.005, F.A.C. This individual shall coordinate E911 infrastructure-related activities among all emergency service agencies and equipment/service providers to ensure that the system performs smoothly, reliably, and efficiently in concert with statewide emergency communication objectives. This position must ensure the maintenance and functionality of the county's E911 system on a 24 x 7 basis. The county 911 coordinator is responsible for database and Master Street Addressing Guide management, maintenance and error resolution. County 911 Coordinators must determine the best procedures to accommodate changing technological environments and provide the best 911 service that can be provided, on a 24 x 7 basis.

(d) The county 911 coordinator shall evaluate the equipment and security at the county PSAP(s) to determine that all items meet or exceed those standards in Rule 60FF-6.005, F.A.C., and that they are operational. The county 911 coordinator, or designee, is required to accompany the DMS inspector to the PSAP(s) being inspected.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History--New _____.

60FF-6.005 Florida Emergency Communications Number E911 State Plan Technical and Operations Rule.

(1) Public Safety Answering Point.

(a) Each 911 primary PSAP shall operate 24 hours a day, seven days a week.

(b) All primary PSAPs shall be staffed with an adequate number of answering positions to ensure that a minimum of 90 percent of voice calls shall be answered within 10 seconds of call arrival at the PSAP and 20 seconds for Teletypewriter (TTY) calls. All secondary PSAPs shall also meet this standard.

(c) The county 911 coordinator must anticipate and consider increases in emergency call volume. A determination must be made as to whether the existing staff can handle an increased work load and still meet the technical standards in paragraph 60FF-6.005(1)(b), F.A.C. If not, additional call taker positions and staff must be added. It is the responsibility of the county 911 coordinator to evaluate the situation and take appropriate action to assure adequate staffing. Criteria shall include busy hour call volume, call length and telephone grade of service.

(d) For wireline 911 calls, a minimum number of dedicated 911 lines shall be provided from the service provider's central office(s) to the 911 selective router and from that selective router to the 911 PSAP to supply a P.01 grade of service or better. A P.01 grade of service allows one busy signal in 100 attempted calls during the average busy hour. For wireline 911 calls, there shall be a minimum of two lines from each central office to the selective router and there shall be a minimum of two lines from the selective router to each PSAP.

(e) The agency shall take into account the estimated volume of calls that the remote agency will receive during the busy hour when determining the number of lines required.

(f) The county 911 coordinator shall analyze MIS and E911 traffic data and determine wireless call routing and act upon this information as necessary for congestion control management to the PSAP(s).

(g) The county 911 coordinator shall work closely with PSAP managers, supervisors, public safety providers, and call takers to develop standard operation procedures for call handling and ADA compliance. Each PSAP shall review and update these call handling procedures regularly with the county 911 coordinator. Call takers shall have ready access to county and or agency 911 policy and procedure manuals.

(2) Public Safety Answering Point Equipment – The county PSAP(s) shall incorporate the following operational equipment:

(a) Customer Premises Equipment (CPE) including 911 call processing and call answering communications or terminal equipment located at the PSAP and the call taker positions.

1. Automatic telephone number identification (ANI) display capability.

2. Automatic location identification (ALI) display capability.

(b) Management Information System (MIS) – call record management system required for call detail information State reporting capable of identifying by County and PSAP, at a minimum: the number of 911 calls, the call volume and percentage by type of call and trunk identifier, the call taker position at the PSAP, the call length of time to answer, transferred or terminated, and the duration of the call.

(c) Printer for call detail information, 911 logging printer or e-printer needed for records.

(d) Teletypewriters (TTYs) communications equipment or functional equivalent with record printout. If 24-hour repair is not available for TTY equipment, the county 911 system shall maintain spare TTYs for temporary use.

(e) Logging recording equipment will record the conversation, incoming trunk, identification of the position handling the call, and date and time of each 911 call.

(f) Instant play back recording capability, each call taker shall be equipped with access to instant playback recording capability.

(g) Uninterruptible power supply (UPS) with sufficient capacity to maintain PSAP equipment until the motor generator stabilizes. No calls shall be interrupted or lost during the transition to the UPS.

(h) Auxiliary-powered motor generator sets with associated fuel capacity and resupply capability, for supplying emergency power to the PSAP during extended commercial power outages.

(i) Grounding integrity, the 911 system and generator shall be installed using appropriate grounding engineering.

(j) Lightning and A/C power surge protection.

(k) Fire protection.

(l) 911 consoles, furniture, etc.

(3) Call Taker Position.

(a) The 911 call taker shall be dedicated to processing 911 calls. Other duties may be performed, if the technical standards in paragraph 60FF-6.005(1)(b), F.A.C., can be satisfied. All call takers shall be proficient in the use of PSAP equipment and basic 911 call handling, operations and techniques in technical standard paragraph 60FF-6.005(9)(b), F.A.C., and know how to respond in the event of an equipment emergency.

(b) Each 911 call taker shall receive both audible and visual indications of an incoming 911 call. Each call taker position shall have access to all incoming 911 lines, outgoing dedicated lines, tie-lines, and dial-out lines.

(c) Each county shall maintain a minimum of one non-published number to handle incoming emergency calls from service provider operators and as an alternative number for routing overflow calls. Line(s) should terminate in the

PSAP answering equipment and shall be used for operator emergency transfers or emergency transfers from other counties.

(d) Each call taker position shall be equipped with Teletypewriters (TTYs), or equivalent equipment functionality. Upon hearing nothing or a musical acoustic sound or an automatic voice message, the 911 line shall be connected to the TTY to ensure that no TTY calls are missed.

(e) Each call taker shall have access to the standard operating procedures.

(4) Emergency Operations.

(a) Each county 911 coordinator shall develop an E911 Emergency Operations Plan designed to limit the impact of system failures and expedite the restoration of E911 service. Enhanced 911 systems shall include provisions for back-up to which 911 calls can be routed in the event of failure of a Primary PSAP.

(b) All counties shall have established alternate routes in place to ensure continuance of operations for all 911 services provisioning.

(c) All counties shall have established reroute plans in place to ensure continuity of operations.

(5) Operations.

(a) If there have been no 911 calls received for an extended time interval, a test 911 call shall be made to ensure that the system is operational. This shall be done at least once every 8 hours, if no calls have been received.

(b) With a transferred call, the caller must never be procedurally required to talk with more than two people: the primary PSAP 911 call taker and the call taker at the remote agency. There shall be no inherent double transfers.

1. All 911 calls transferred by a PSAP must be identified at the receiving point as an emergency 911 call.

2. With a transferred call, the call taker shall inform the caller that the call is about to be transferred.

(3) The PSAP transferring the 911 call must stay on the line until the receiving agency answers and accuracy of the transfer is ascertained.

(c) Each call taker shall complete a Trouble Report/Inquiry Form for every 911 call that experienced problems (ANI failures, database errors, etc.). These trouble reports shall be routed to the county 911 coordinator. Enhanced 911 systems shall include a proactive program to identify database errors, which shall continuously monitor and maintain a record of database accuracy. Call takers shall provide information about erroneous location information provided on the ALI screen and any corrections provided by the caller. County 911 coordinators shall establish a standard trouble reporting form and ensure that 911 trouble reports are consistently completed and shall submit these reports to the appropriate service provider(s) for resolution. With a Type 5 E911 system, the county 911 coordinator shall perform both functions.

(d) The 911 call takers shall not refer citizens to a directory of services or provide contact information on emergency calls.

(6) Security.

(a) All PSAPs, 911 equipment and data shall be secured to prevent access by the unauthorized persons. Each PSAP shall have sufficient building security to minimize the possibility of intentional disruption of operations. All E911 processing and control equipment shall be in a locked, environmentally-conditioned area accessible only to authorized personnel. Answering equipment shall be accessible only to PSAP personnel. Display and printing equipment shall be located so that the information is limited to agency authorized personnel.

(b) The PSAP shall not be visible from outside the building and shall not be visible from unsecured areas inside the building, unless it is located in the secured entry point of the jail facility in the sheriff's office.

(c) The PSAP shall be configured to provide a physical barrier from floor to ceiling separating unsecured areas from all 911 personnel required to interact with the public. There shall be no openings in the barrier other than a louvered opening for voice communications. Glass shall be of a heavy-duty, bulletproof type. A pass through drawer shall be used for transfer of documents.

(d) All doors shall be lock-controlled from the inside and be kept closed. If combination locks (rotary or push button) are used, access to the combinations shall be controlled by the PSAP supervisor. Such combinations shall be changed periodically on a schedule to be determined by the PSAP supervisor based on their standard operating procedures.

(e) All exposed 911 circuits inside the building and facilities serving the 911 PSAP shall be protected and marked to prevent damage or tampering.

(7) Alarms/Auto Dialers.

(a) Alarm circuits shall not be routed to a 911 system, and no auto dialer shall be used, unless two-way voice communication is possible. Automatic dialers must provide two-way voice communications and be capable of forced disconnection by the PSAP.

(b) There shall be no burglar alarms or elevator telephones terminated in 911 trunks.

(8) Maintenance and Testing.

(a) The PSAP E911 systems shall be maintained in operable working condition. Testing shall be conducted periodically on critical functions of all call taking equipment including TTY equipment operation.

(b) Routine and emergency maintenance shall be provided for all E911 systems. Where maintenance is provided by county personnel, they shall be trained and qualified in trouble analysis and repair of E911 systems. Where maintenance is

provided by a vendor, a written contract containing a guarantee of performance including vendor response time and maximum system downtime is required.

(c) TTY equipment operation shall be tested a minimum of twice weekly during each shift. TTY equipment operation shall be conducted with random TTY test calls with both silent, open-line calls in which no tones are emitted and calls where the caller introduces the call by transmitting TTY tones. All tests shall be documented.

(d) Each PSAP shall have telephone numbers displayed and readily available for reporting failures in all 911 systems to service providers and county maintenance personnel. All PSAPs shall require equipment vendors and service providers to provide emergency trouble reporting telephone numbers that are staffed and answered 24-hours per day, 7 days per week.

(9) Training and Standard Operating Procedures

(a) Counties shall include specified training standards in their standard operating procedures. These SOP shall include classroom and on-the-job instruction and training course content required for 911 public safety telecommunicators.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Ghini, Director, Division of Telecommunications

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda South, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.002 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this rule is to update the disciplinary guidelines for failure to report convictions to the Board.

SUMMARY: The rule will update the disciplinary guidelines for failure to report convictions to the Board.

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.

RULEMAKING AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.
(1) through (2) No change.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) through (v) No change	
<u>(w) Failing to report in writing to the Board within thirty (30) days a conviction, guilty verdict, or plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.</u>	<u>(w)1. For late reporting of a conviction, guilty verdict or plea, a \$50.00 citation.</u> <u>(w)2. For failure to report a conviction, guilty verdict or plea, a \$500.00 citation.</u> <u>(w)3. For failure to report a crime directly related to building code administration or inspection, open a new case pursuant to sub-paragraph (2)(e) and failure to report shall be considered an aggravating factor.</u>
(3) through (5) No change	

Rulemaking Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History—New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06, 1-10-07, 9-20-09, 6-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-204.800
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0879) establish compliance deadlines for hospital/medical/infectious waste incinerator units subject to revised EPA regulations at 40 C.F.R. Part 60, Subpart Ce, and procedures by which individual units may request compliance deadline extensions. The proposed rule amendments also establish a requirement for a metals emissions test at the time of each particulate matter emissions test.

SUMMARY: Under section 111(d) of the federal Clean Air Act, Florida is required to submit a plan to EPA for implementation of EPA's revised hospital/medical/infectious waste incinerator emissions standards. The proposed rule amendments provide the basis for the state's plan. While Rule 62-204.800, F.A.C., is referenced in numerous DEP rules, subsection 62-204.800(9), F.A.C., is referenced specifically or by general intention in Rules 62-210.200, 62-212.400, 62-212.500, 62-212.710, 62-213.420, 62-213.430, 62-296.100 and 62-296.401, F.A.C., only. The proposed amendments are intended to have effect in the all of the referencing rules listed above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A statement of estimated regulatory costs (SERC) has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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: Thursday, November 18, 2010, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Tiffany Miesel at (850)921-8306 or tiffany.miesel@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 C.F.R. Part 60, revised as of July 1, 2009, or later as specifically indicated, are adopted and incorporated by reference:

1. through 7. No change.

8. 40 C.F.R. Part 60, Subpart Ec, Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996; amended October 6, 2009, at 74 FR 51368; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.56c(j)(4). At 40 C.F.R. § 60.50c(m), the “applicable compliance date of the requirements of subpart Ce” shall be the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

9. through 81. No change.

(c) through (e) No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) General Applicability and Definitions.

1. The purpose and effect of each subpart of 40 C.F.R Part 60 or portion thereof adopted and incorporated by reference in this subsection is determined by the context in which it is cited within this subsection. The Emission Guidelines for Existing Sources adopted by reference in this rule shall be controlling over other standards in the air pollution rules of the Department except that any emission limiting standard contained in or determined pursuant to the air pollution rules of the Department which is more stringent than one contained in an Emission Guideline, or which regulates emissions of pollutants or emissions units not regulated by an applicable Emission Guideline, shall also apply.

2. No change.

(b) through (c) No change.

(d) Hospital/Medical/Infectious Waste Incinerators. 40 C.F.R. Part 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, revised as of July 1, 2001, is hereby adopted and incorporated by reference, subject to the following provisions:

1. through 9. No change.

10. Compliance Times.

a. through d. No change.

e. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(d), F.A.C., shall comply with the requirements of this paragraph until the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

~~11. Permit Application Deadline. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(d), F.A.C., is subject to the permitting requirements of Chapter 62-213, F.A.C. Any hospital/medical/infectious waste incinerator that becomes subject to the permitting requirements of Chapter 62-213, F.A.C., for the first time solely because it is subject to paragraph 62-204.800(9)(d), F.A.C., shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., no later than May 1, 2000, unless the facility will cease operations permanently within one year of the U.S. Environmental Protection Agency’s approval of the Florida Department of Environmental Protection’s 40 C.F.R. Part 60, subpart Ce implementation plan, in which case an application for an operation permit under the requirements of Chapter 62-213, F.A.C., shall not be required. Any hospital/medical/infectious waste incinerator that has previously filed an application for an operation permit under the requirements of Chapter 62-213, F.A.C., shall file an amendment to its application (if the permit has not been issued) or an application for a permit revision no later than May 1, 2000.~~

(e) through (f) No change.

(g) Hospital/Medical/Infectious Waste Incinerators. 40 C.F.R. Part 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, revised as of July 1, 2009; amended October 6, 2009, at 74 FR 51368; is hereby adopted and incorporated by reference, subject to the following provisions:

1. Applicability. The applicability of paragraph 62-204.800(9)(g), F.A.C., shall be the same as set forth at 40 C.F.R. § 60.32e, where the applicable compliance date at 40 C.F.R. § 60.32e(j) shall be the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

2. through 6. No change.

7. Compliance, Performance Testing, and Monitoring Provisions.

a. through c. No change.

d. On or after June 1, 2012, any time the owner or operator of any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., conducts a performance test for any reason for particulate matter (PM), the owner or operator shall also conduct a performance test for mercury (Hg), cadmium (Cd), and lead (Pb). Testing shall be conducted in accordance with the applicable test procedures and methods set forth at 40 C.F.R. § 60.56c(b), and test data shall be reported to the Department in accordance with the provisions of 40 C.F.R. § 60.58c(c). This requirement for supplemental metals testing shall not apply if the owner or operator continuously monitors or samples Hg emissions in accordance with the provisions of 40 C.F.R. § 60.56c(c)(5) or 40 C.F.R. § 60.56c(c)(7).

8. No change.

9. Compliance Times.

a. Each hospital/medical infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with the operator training and qualification requirements of subparagraph 62-204.800(9)(g)4., F.A.C., by June 1, 2012 according to the schedule set forth at 40 C.F.R. § 60.39e(e).

b. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with the inspection requirements of subparagraph 62-204.800(9)(g)6., F.A.C., by June 1, 2012 according to the schedule set forth at 40 C.F.R. § 60.39e(e).

c. Except as provided for under sub-subparagraph 62-204.800(9)(g)9.d., F.A.C., each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with all remaining requirements of paragraph 62-204.800(9)(g), F.A.C., by June 1, 2012.

d. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., that chooses to comply with the alternate schedule set forth at 40 C.F.R. § 60.39e(c), shall submit to the Department the information specified at 40 C.F.R. § 60.39e(d)(1)(i) and (ii) as part of the permit application required pursuant to subparagraph 62-204.800(9)(g)10., F.A.C. The alternate schedule must provide for compliance with the remaining requirements of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C., no later than June 1, 2014.

10. Permit Application Deadline. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall file an application for Title V permit revision no later than June 1, 2011. Effective Date. The effective date of paragraph 62-204.800(9)(g), F.A.C., shall be April 1, 2012.

11. Related Provisions. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall also comply with all requirements of subsection 62-296.401(4), F.A.C., to the extent that such requirements are stricter than, or supplemental to, the requirements of paragraph 62-204.800(9)(g), F.A.C.

(h) No change.

(10) through (27) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 11-18-09, 6-11-10, 7-1-10, 10-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:

RULE TITLE:

64B-4.006

Pain Management Clinic, Fees

PURPOSE AND EFFECT: The department determined that the portions of the rule that do not relate to fees need to be moved to another rule chapter.

SUMMARY: This rule deletes text regarding pain-management clinic registration which is part of a different rule. It clarifies that the \$145 registration fee is required at initial clinic registration and also is required when there is a change of owner or address.

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.

RULEMAKING AUTHORITY: 456.004, 458.3265(4), 459.0137(4) FS.

LAW IMPLEMENTED: 458.3265, 459.0137 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: Larry McPherson, Executive Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.006 Pain Management Clinic Registration Requirements, Fees.

~~(1) Registration Requirements.~~

~~(a) Every practice location prescribing or dispensing Schedule II-IV controlled substances as defined in Sections 458.309(4), (5) and 459.005(3), (4), F.S., must register and maintain a valid registration with the Department. To register with the Department, the medical director of a health care clinic licensed pursuant to Chapter 400, F.S., or if the clinic is not licensed pursuant to Chapter 395 or 400, F.S., the clinic's responsible physician who has an active, full, and unencumbered license issued pursuant to Chapter 458 or 459, F.S., must submit Application for Pain Management Clinic Registration, Form #DH-MQA 1219, effective 10/09, incorporated herein by reference. This form can be obtained from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399 or on the Board of Medicine or Board of Osteopathic Medicine website, which can be accessed at: www.doh.state.fl.us/mqa.~~

~~(b) The medical director or the designated physician registering the clinic is required to agree to having read Rule 64B8-9.013, F.A.C. Standards for the Use of Controlled Substances for the Treatment of Pain, or Rule 64B15-14.009, F.A.C. Standards for Office Based Opioid Addiction Treatment, and that all physicians practicing in the clinic have been or will be provided with a copy of the rule prior to prescribing or dispensing controlled substance pain medications in the clinic.~~

~~(2) Fees.~~

~~(1)(a) The registration fee shall be \$145.00, and this fee also is required upon change of physical location or change of ownership.~~

~~(2)(b) An additional five dollar (\$5.00) fee shall be added to the cost of registration to cover unlicensed activity, as required by Section 456.065(3), F.S.~~

Rulemaking Authority 456.004, ~~458.3265(4), 458.309, 459.0137(4), 459.005~~ FS. Law Implemented ~~458.3265, 458.309, 459.0137, 459.005~~ FS. History--New 1-5-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.:	RULE TITLE:
64B6-8.002	Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

PURPOSE AND EFFECT: The Board proposes the rule amendment to add questions to the application to address licensure restrictions created by SB 1986.

SUMMARY: Questions will be added to the application to address licensure restrictions created by SB 1986.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 484.044, 484.0445 FS.

LAW IMPLEMENTED: 484.0445 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.002 Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

(1) The Department shall temporarily certify, until the next Board meeting, only those applicants who meet the following requirements, in addition to those imposed by law:

(a) No change.

(b) The applicant must complete the Training Program Registration Application, Form DH-MQA 1158 (revised ~~11/09~~ ~~10/08~~), hereby adopted and incorporated by reference, which can be obtained from the Board of Hearing Aid Specialists' website at <http://doh.state.fl.us/mqa/HearingAid/>), and pay the appropriate fee; and

(c) No change.

(2) through (3) No change.

Rulemaking Authority 484.044, 484.0445 FS. Law Implemented 484.0445 FS. History--New 1-12-84, Formerly 21JJ-8.02, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.002, Amended 12-6-94, Formerly 61G9-8.002, Amended 6-2-03, 3-4-08, 5-26-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 13, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms;
Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Physician Dispensing Registration form; the revised application for physician assistant prescribing; application for changes to the prescribing PA application and the revised Supervision Data Form into the Board’s forms rule.

SUMMARY: The proposed rule amendments incorporate the revised Physician Dispensing Registration form; the revised application for physician assistant prescribing; application for changes to the prescribing PA application and the revised Supervision Data Form into the Board’s forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.
The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

- (1) through (12) No change.
- (13) DH-MQA 1070, entitled “Physician Dispensing Practitioner Registration,” (8/10 ~~4/03~~).
- (14) through (22) No change.
- (23) DH-MQA 2001, entitled “Application for Licensure as Prescribing Physician Assistant,” (8/10 ~~4/00~~).
- (24) DH-MQA 2002, entitled “Application for Changes to Licensure as Prescribing Physician Assistant,” (8/10 ~~4/00~~).
- (25) DH-MQA 2004, entitled “Supervision Data Form,” (8/10 ~~Revised 2/08~~).

Rulemaking Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09, 1-7-10, 2-2-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: PA Council and Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.029
RULE TITLE: Registration as a Dispensing Physician; Delegation of Dispensing to Prescribing Physician Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised dispensing physician registration form into the rule and to incorporate the new form for physicians who delegate dispensing to their prescribing physician assistants.

SUMMARY: The proposed rule amendment incorporates the revised dispensing physician registration form into the rule and incorporates the new form for physicians who delegate dispensing to their prescribing physician assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 458.347(4)(e) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.029 Registration as a Dispensing ~~Physician Practitioner~~; Delegation of Dispensing to Prescribing Physician Assistants.

A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing physician practitioner with the Board of Medicine. In order to register as a dispensing physician practitioner, the physician must:

(1) Submit application to the Board on form DH-MQA 1070, entitled "Physician Dispensing ~~Practitioner~~ Registration," (8/10 10/09), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

(2) Comply with the provisions of Section 465.0276, Florida Statutes, regarding dispensing physicians practitioners; and

(3) Pay the registration fee as set forth in Rule 64B8-3.006, Florida Administrative Code.

(4) Pursuant to Section 458.347(4)(e), Florida Statutes, a dispensing physician who supervises a Florida-licensed prescribing physician assistant has the authority to delegate to the prescribing physician assistant the dispensing of any medication used in the supervising physician's practice unless such medication is listed in the formulary set forth in Rule 64B8-30.008, F.A.C. The delegation of dispensing to the prescribing physician assistant must be documented with the Board of Medicine by completing form DH-MQA 1240, entitled "Dispensing Physician Assistant," (8/10), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. No fee is required for the delegation of dispensing to physician assistants.

Rulemaking Authority 458.309, 465.0276 FS. Law Implemented 465.0276, 458.347(4)(e) FS. History–New 3-24-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.003
 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. In addition, the rule amendments clarify the rule with regard to dispensing physician assistants.

SUMMARY: The proposed rule amendments incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. Additionally, the rule amendments clarify the rule by removing the requirement for the 3 months of clinical experience, and require physicians who elect dispensing by their prescribing physician assistants to complete and submit the appropriate form for the delegation of dispensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(b) In addition, upon employment, a licensed physician assistant must notify the Board of Medicine, in writing, utilizing Form DH-MQA 2004, entitled "Supervision Data Form," (revised 8/10), hereby adopted and incorporated by reference, which can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>, within 30 days of such employment. Any subsequent changes to the physician assistant's employment must also be made, in writing, within 30 days of such change, utilizing this same form.

(2) through (4) No change.

(5) Licensure as a Prescribing Physician Assistant.

(a) An applicant for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly submit the "Application for Licensure As a Prescribing Physician Assistant" DH-MQA 2001 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html> application for licensure as set forth in ~~Rule 64B8-1.007, F.A.C.~~ The same application form may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board in prescriptive practice, which course shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

(c) The fee for licensure as a prescribing Physician Assistant shall be as set forth in Rule 64B8-30.013, F.A.C., and shall be in addition to any other applicable fees in said rule. No additional fees will be required for any separate application for a distinct area of practice, or a change in practice setting during the same biennium.

(d) Changes to the Application as a Prescribing Physician Assistant shall be made on the form entitled "Application for Changes to the Prescribing License," DH-MQA 2002 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

~~(e) The applicant shall have completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician. For purposes of this rule, this means 3 continuous months of full-time practice or its equivalent, following full licensure as a physician assistant, within 4 years immediately preceding the filing of the application.~~

(6) Registration as a dispensing physician assistant shall be made on the form set forth in subsection 64B8-4.029(4), F.A.C.

Rulemaking Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06, 2-25-07, 5-20-09, 2-2-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.003 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. In addition, the rule amendments clarify the rule with regard to dispensing physician assistants.

SUMMARY: The proposed rule amendments incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the

rule. Additionally, the rule amendments clarify the rule by removing the requirement for the 3 months of clinical experience, and require physicians who elect dispensing by their prescribing physician assistants to complete and submit the appropriate form for the delegation of dispensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 459.022 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(b) In addition, upon employment, a licensed physician assistant must notify the Board of Medicine, in writing, utilizing Form DH-MQA 2004, entitled "Supervision Data Form," (revised 8/10), hereby adopted and incorporated by reference, which can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>,

within 30 days of such employment. Any subsequent changes to the physician assistant's employment must also be made, in writing, within 30 days of such change, utilizing this same form.

(2) though (4) No change.

(5) Licensure as a Prescribing Physician Assistant.

(a) An applicant for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly ~~submit file~~ the "Application for Licensure As a Prescribing Physician Assistant" DH-MQA 2001 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html> ~~application for licensure to the Department on a form approved by the Council and Boards and provided by the Department.~~ The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board in prescriptive practice, which shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

~~(c) The applicant shall have completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician. For purposes of this rule, this means 3 continuous months of full-time practice or its equivalent, following full licensure as a physician assistant, within the 4 years immediately preceding the filing of the application.~~

~~(c)(d)~~ The fee for licensure as a prescribing Physician Assistant shall be as set forth in Rule 64B15-6.013, F.A.C., and shall be in addition to any other applicable fees in said rule. No additional fees will be required for any separate application for a distinct area of practice, or a change in practice setting during the same biennium.

(d) Changes to the Application as a Prescribing Physician Assistant shall be made on the form entitled "Application for Changes to the Prescribing License," DH-MQA 2002 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

(6) Registration as a dispensing physician assistant shall be made on the form set forth in subsection 64B15-12.0031(4), F.A.C.

Rulemaking Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, 2-25-07, 5-20-09, 2-2-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Council on Physician Assistants
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 20, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.0031
 RULE TITLE: Registration as a Dispensing
 Physician; Delegation of
 Dispensing to Prescribing
 Physician Assistant

PURPOSE AND EFFECT: The proposed a rule is intended to address dispensing physicians and to address the delegation of dispensing by physicians to prescribing physician assistants.

SUMMARY: The proposed rule sets forth the requirements for dispensing physicians and the requirements for dispensing physicians who wish to delegate dispensing to prescribing physician assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 459.005, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 459.022(4)(e) 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.0031 Registration as a Dispensing Physician; Delegation of Dispensing to Prescribing Physician Assistants.
A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing physician with the Board of Osteopathic Medicine. In order to register as a dispensing physician, the physician must:

(1) Submit application to the Board on form DH-MQA 1242, entitled "Osteopathic Physician Dispensing Registration," (8/10), which is hereby incorporated by reference and available from the Board of Osteopathic Medicine's website at <http://www.doh.state.fl.us/mqa/osteopath/index.html>.

(2) Comply with the provisions of Section 465.0276, F.S., regarding dispensing physicians; and

(3) Pay the registration fee as set forth in Rule 64B15-10.005, F.A.C.

(4) Pursuant to Section 459.022(4)(e), F.S., a dispensing physician who supervises a Florida-licensed prescribing physician assistant has the authority to delegate to the prescribing physician assistant the dispensing of any medication used in the supervising physician's practice unless such medication is listed in the formulary set forth in Rule 64B15-6.0038, F.A.C. The delegation of dispensing to the prescribing physician assistant must be documented with the Board of Osteopathic Medicine by completing form DH-MQA 1240, entitled "Dispensing Physician Assistant," (8/10), which is hereby incorporated by reference and available from the Board of Osteopathic Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. No fee is required for the delegation of dispensing to physician assistants.

Rulemaking Authority 459.005, 465.0276 FS. Law Implemented 465.0276, 459.022(4)(e) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Osteopathic Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 20, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.005
 RULE TITLE: Limited Licensure

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised limited licensure application in the rule and to clarify the CME requirement for limited licensure.

SUMMARY: The proposed rule amendment incorporates the revised limited licensure application in the rule and to clarifies the CME requirement for limited licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 459.005, 459.0075 FS.

LAW IMPLEMENTED: 459.0075 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.005 Limited Licensure.

(1) Each applicant for limited licensure pursuant to Section 459.0075, F.S., shall file board approved application form, DH-MQA 1171 (Revised 8/10 2/40), Application for Limited License, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by web at www.doh.state.fl.us/mqa/osteopath/index.html. For purposes of this rule, retired means previously separated or withdrawn from the practice of Osteopathic Medicine, as distinguished from a relocation of the applicant's practice to a different geographic area.

(2) through (3) No change.

(4) Any person desiring to obtain a limited license pursuant to Section 459.0075, F.S., shall complete or shall have completed 40 hours of continuing education as required in Rule 64B15-13.001, F.A.C., in the two year period preceding licensure.

Rulemaking Authority 459.005, 459.0075 FS. Law Implemented 459.0075 FS. History--New 10-28-93, Formerly 61F9-12.005, Amended 10-15-95, Formerly 59W-12.005, Amended 11-27-97, 6-28-09, 3-25-10, 6-23-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-18.003 RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists

PURPOSE AND EFFECT: The proposed rule amendments are intended to update language in the rule addressing specific medications which may be ordered by pharmacists.

SUMMARY: The proposed rule amendments update the list of specific medicinal drugs which may be ordered by a pharmacist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-18.003 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary within the pharmacists professional judgment, subject to the stated conditions:

(1) Oral analgesics for mild to moderate pain. The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription shall be limited to a six (6) day supply for one treatment. If The following may be ordered for mild to moderate pain: magnesium salicylate/phenyltoloxamine citrate, acetylsalicylic acid (Zero order release, long acting tablets), choline salicylate and magnesium salicylate, IBUPROFEN (no more than 400 mg per dosage unit for minor pain and menstrual cramps limited to a six (6) day supply for one treatment). When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(a) Magnesium salicylate/phenyltoloxamine citrate.

(b) Acetylsalicylic acid (Zero order release, long acting tablets).

(c) Choline salicylate and magnesium salicylate.

(d) Naproxen sodium.

(e) Naproxen.

(f) Ibuprofen.

(2) Urinary analgesics. Phenazopyridine. The following may be ordered: ~~phenazopyridine~~ not exceeding a two (2) day supply. ~~The Such~~ prescriptions shall be labeled about as to the tendency to discolor urine. ~~If and when appropriate, the prescription~~ shall be labeled to be taken after meals.

(3) Otic analgesics. Antipyrine. The following may be dispensed: ~~antipyrine~~ 5.4%, benzocaine 1.4%, glycerin, if clinical signs and symptoms of tympanic membrane perforation do not exist. The product ~~which~~ shall be labeled for use in the ear only.

(4) Hemorrhoid medications. The following may be dispensed: 0.5% hydrocortisone acetate and 0.5% dibucaine ointments and creams, limited to a seven (7) day supply.

(5) Leg cramps. The following may be ordered: quinine sulfate tablets, except to patients with cardiac arrhythmias, and not to patients currently using anticoagulant or digitalis containing drugs. When appropriate, such prescriptions shall be labeled to be taken with or after meals.

(4)(6) Anti-nausea preparations. The following may be dispensed:

(a) Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness side effect and caution against concomitant use with alcohol or other depressants.

(b) Scopolamine not exceeding 1.5 mg. per dermal patch. Patient shall be warned to seek appropriate medical attention if eye pain, redness or decreased vision develops.

(5)(7) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination including nasal decongestants, may be ordered for a patients above (6) years of age:

(a) Antihistamines. The pharmacist shall warn the patient that an antihistamine should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. An antihistamine shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.

1. Diphenhydramine.

2.(b) Carbinoxamine.

(e) Loratadine (maximum 14 days supply only).

3.(d) Pyrilamine.

(e) Azelastine.

4.(f) Dexchlorpheniramine.

5.(g) Brompheniramine.

(h) Fexofenadine.

(b) Decongestants. The pharmacist shall not order an oral decongestant for use by a patient with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or a patient currently using a monoamine oxidase inhibitor.

1. Phenylephrine.

2. Azatadine.

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness side effects and caution against use with alcohol or other depressants.

(i) Ephedrine.

(j) Phenylephrine.

(k) Phenyltoloxamine.

(l) Azatadine.

(m) Diphenylpyraline.

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(6) Topical antifungal/antibacterials.

(a) Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams).

(b) Haloprogin 1%.

(c) Clotrimazole topical cream and lotion.

(d) Erythromycin topical.

(8) Anthelmintic. The following may be ordered: Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.

(9) Topical antifungal/antibacterials. The following may be ordered: Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams), Haloprogin 1%, Clotrimazole topical cream and lotion. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.

(7)(10) Topical anti-inflammatory. The pharmacist shall warn the patient that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. The prescription shall be labeled to advise the patient to avoid contact with eyes, mucous membranes or broken skin. Preparations containing hydrocortisone not exceeding 2.5%.

The following may be ordered: Preparations containing hydrocortisone not exceeding 0.5%. The patient shall be warned that hydrocortisone should not be used on bacterial or fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.

~~(8)(11)~~ Otic antifungal/antibacterial. Acetic ~~The following may be ordered:~~ acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.

~~(9)(12)~~ Keratolytics. Salicylic ~~The following may be ordered:~~ salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.

~~(10)(13)~~ Vitamins with fluoride (This does not include vitamins with folic acid in excess of 0.9 mg.).

~~(11)(14)~~ Medicinal drug shampoos containing Lindane. The pharmacist shall: ~~may be ordered pursuant to the following conditions:~~

(a) ~~Limit~~ The pharmacist shall limit the order to the treatment of head lice only;

(b) Order no more than four (4) ounces per person; and

(c) Provide ~~provide~~ the patient with the appropriate instructions and precautions for use.

~~(b) The amount allowed per person shall be four ounces.~~

(12) Ophthalmics: Naphazoline 0.1% ophthalmic solution.

(13) Histamine H2 antagonists. The pharmacist shall advise the patient to seek medical attention if symptoms persist longer than 14 days while using the medication or if stools darken or contain blood.

(a) Cimetidine.

(b) Famotidine.

(c) Ranitidine HCL.

(14) Acne products. Benzoyl Peroxide. The prescription shall be labeled to advise the patient to avoid use on the eye, eyelid, or mucous membranes.

(15) Topical Antiviral.

(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.

(b) Penciclovir.

Rulemaking Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History–New 5-1-86, Formerly 21R-18.003, 61F9-18.003, 59W-18.003, Amended 10-16-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:
68A-6.0024

RULE TITLES:
Commercialization of Wildlife;
Bonding or Financial
Responsibility Guarantee

68A-6.0025

Sanctuaries; Retired Performing
Wildlife and Identification

68A-6.003

Facility and Structural Caging
Requirement for Class I, II and III
Wildlife

PURPOSE AND EFFECT: The purpose of the proposed rules are to implement statutory changes effective July 1, 2010, relative to the guarantee of financial responsibility by possessors of Class I wildlife and to address facility requirements for captive wildlife. Proposed Rules 68A-6.0024 and 68A-6.0025, F.A.C., will require all possessors of Class I wildlife to “guarantee financial responsibility” in the sum of \$10,000, or a \$2 million insurance policy, for any liability incurred. Proposed Rule 68A-6.003, F.A.C., addresses the strength requirement of materials used for facilities housing Class I or II wildlife that were previously listed as Class III wildlife.

SUMMARY: The changes to Rules 68A-6.0024 and 68A-6.0025, F.A.C., are necessary to implement new statutory requirements. The 2010 Legislature passed Senate Bill 318 and House Bill 572, requiring, among other things, persons possessing Class I wildlife to “guarantee financial responsibility” in the sum of \$10,000, or a \$2 million insurance policy, for any liability incurred. The new law became effective July 1, 2010. Before the legislative amendment only those entities exhibiting Class I wildlife to the public had to provide the financial responsibility guarantee. Those affected by the amendment include entities possessing Class I wildlife for other than exhibition purposes, sanctuaries or those possessing retired performing wildlife. The changes to Rule 68A-6.003, F.A.C., are necessary to address the structural (strength) requirement of materials used for facilities housing certain Class III wildlife that were up-listed to Class I or II. Examples of such wildlife include: Gaur, aardwolves, giraffe, okapi, tapir, saki monkeys, wild cattle, forest, woodland and arid land antelope and similar species of non-native hoof stock (Family Bovidae).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___ or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ been prepared by the agency.

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.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-6.0024 Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee.

(1) through (2) No change.

(3) It is unlawful to possess ~~exhibit~~ Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.0024(1)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The possessor ~~exhibitor~~ shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the ~~exhibited~~ Class I wildlife.

2. The possessor ~~exhibitor~~ shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the possessor of Class I wildlife ~~exhibitor~~ in instances of non-issuance or denial of the initial license application; or the possessor ~~exhibitor~~ has submitted a request for refund to include a notarized statement that they no longer possess ~~exhibit~~ Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person possessing ~~exhibiting~~ Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the possessor of Class I wildlife ~~exhibitor~~ from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance policy shall be for duration of not less than the duration of the licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the possessor of Class I wildlife ~~exhibitor~~ in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from ~~exhibited~~ Class I wildlife and the possessor of such Class I wildlife ~~exhibitor~~ fails to indemnify and save harmless the injured party; or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The possession ~~exhibition~~ of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.373, 379.374 FS. History--New 2-1-08, Amended 8-27-09, 6-7-10, Amended _____.

68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification.

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

(f) Any sanctuary ~~possessing~~ ~~exhibiting~~ Class I wildlife as listed in Rule 68A-6.002, F.A.C., must meet the bonding or financial responsibility guarantee requirements of paragraphs 68A-6.0024(3)(a)-(f), F.A.C.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921 FS. History--New 8-27-09, Amended _____.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) through (2) No change.

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

(c) Group III – Rhinoceros, elephants, hippopotamus, cape buffalos, gaur.

Indoor and outdoor facilities – Construction materials shall consist of steel bars, masonry block or equivalent.

(d) No change.

(e) Group V – Gibbons, siamangs, patas monkeys, howler monkeys, uakaris, mangabeys, guenons, ~~bearded~~ sakis, guereza monkeys, celebes black apes, indris, macaques, langurs, proboscis monkeys, spider monkeys, woolly monkeys, and capuchin monkeys, leopards, cougars, clouded leopards, cheetahs, ocelots, servals, lynx, bobcats, caracals, African golden cats, Temminck’s golden cats, fishing cats, wolves, coyotes, ~~Asiatic~~ jackals, Indian dholes, African hunting dogs, aardwolves, binturongs, and Old World badgers.

1. Outdoor facilities – Construction material shall consist of not less than 11 1/2 gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating not less than 11 1/2 gauge or equivalent.

(f) through (g) No change.

(h) Group VIII – Class III mammals (except spider, woolly, and capuchin monkeys) and Varanidae (except Komodo dragon), giraffe, okapi, tapir, wild cattle, forest, woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae). Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.

(h) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08, 8-27-09, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Jim Brown, Director, Division of Law Enforcement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-1.003 RULE TITLE: Certificate and Other Forms Adopted

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to authorize for use by state universities and agencies a form that captures more accurate and detailed information for developing proper insurance ratings and premiums for buildings insured by the State. The current Form 850 is inadequate for present and future needs. The current Form 850 is authorized by paragraph 69H-1.003(1)(a), F.A.C.

SUMMARY: The current Form 850 contains survey questions used by the Division of Risk Management and its insureds the agencies and universities to develop insurance ratings for properties owned or leased by the State, for the purpose of premium development. The proposed Form 850 significantly expands the scope of questions to provide more accurate information for determining premiums and further allows the agencies, universities, and the Division of Risk Management to store such information in an electronic database as opposed to numerous disconnected individual Excel files.

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.

RULEMAKING AUTHORITY: 284.17 FS.

LAW IMPLEMENTED: 255.03(1), 284.01 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: Wednesday, November 3, 2010, 9:00 a.m.

PLACE: 142 Larson Building, 200 East Gaines 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 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. 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: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-1.003 Certificate and Other Forms Adopted.

(1) The Department hereby adopts and incorporates by reference a Certificate of Coverage and the other forms in paragraphs (a) through (i), below, for use in the State Risk Management Trust Fund, State Property Claims.

(a) Form DFS-D0-850, Coverage Request Form, rev. _____.

(b) through (i) No change.

(2) No change.

Rulemaking Specific Authority 284.17 FS. Law Implemented 255.03(1), 284.01 FS. History—New 7-29-72, Formerly 4-29.04, 4-29.004, Amended 1-7-92, 10-3-94, 12-27-95, 6-21-01, Formerly 4H-1.003, Amended 7-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: RULE TITLE:

69H-2.008 Other Forms Adopted

PURPOSE AND EFFECT: AND SUMMARY: The Division of Risk Management adjusts claims for employees, volunteers, and other covered persons per Chapter 284, F.S. Currently, the Authorization to Release form DFS-D0-1407 does not state the reason for the requested medical records. This amendment will add a sentence to the form that explicitly states that the medical authorization release concerns a workers' compensation claim. The additional language is needed for the Division to obtain

crucial medical records and to ultimately perform its statutory authority to adjust and settle workers' compensation claims for those covered persons under Section 284.31, 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.

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 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: Wednesday, November 3, 2010, 9:00 a.m. or Starting immediately after Hearing for 69H-1.003, F.A.C.

PLACE: 142 Larson Building, 200 East Gaines 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 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. 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: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) through (e) No change.

(f) DFS-D0-1407, "Medical Authorization", rev. 2/10 H/05;

(g) through (i) No change.

(2) No change.

Rulemaking Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05, 10-5-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

screens, Form FBC-ED-002 9B-70.002(4)(a) effective September 10, 2010 January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associates online screens, Form FBCED 2003-03 9B-70.002(4)(b) effective September 10, 2010 January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) through (7) No change.

Rulemaking Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09,

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-70.002
RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 29, July 23, 2010 issue of the Florida Administrative Weekly.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form FBC-ED-001 9B-70.002(4), effective September 10, 2010 January 1, 2009 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) through (2)(d) No change.
(3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online

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 NOS.: 40C-44.091, 40C-44.341
RULE TITLES: Publications Incorporated by Reference, Revocation or Modification of Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

The following was inadvertently omitted from the Notice of Proposed Rule:

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.118, 373.129, 373.413, 373.416, 373.426, 373.609, 373.613 FS.