

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.039 RULE TITLE: Cultural Facilities Program

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent program calendar, including the application deadline; criteria related to eligibility, application submission, application review and scoring, and reporting requirements; and criteria related to compliance with and the recordation of restrictive covenants.

SUMMARY: The proposed rule details application submission, eligibility criteria, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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: 265.701(5) FS.
LAW IMPLEMENTED: 215.97, 265.701, 286.011, 286.012, 286.25 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, May 1, 2012, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.039 Cultural Facilities Program.

(1) This rule provides the requirements for the Cultural Facilities Program administered by the Division of Cultural Affairs (Division). All grant applicants must meet the requirements set forth in the 2013- 2014 2011-2012 guidelines, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference. The program guidelines contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(2) The Cultural Facilities Program Application (Form CA2E147), effective 6/2012 7/10; must be submitted on-line at www.Florida-arts.org, is available from the Division, and is hereby incorporated by reference.

(3) The following forms must be used in the administration of the Cultural Facilities Program and are hereby incorporated by reference and available at www.Florida-arts.org:

- (a) Cultural Facilities Report Form (Form CA2E048), effective 6/2012 7/10;
- (b) State Funds Expenditure Log (Form CA2E119), effective 6/2012 7/10;
- (c) Grant Amendment Request (Form CA2E047), effective 6/2012 7/10;
- (d) Grant Award Agreement (Form CA2E038), effective 6/2012 7/10;
- (e) Request for Warrant (Form CA2E001), effective 6/2012 7/10.

Rulemaking Authority 265.701(5) FS. Law Implemented 265.701 FS. History--New 7-13-10, Amended.

Editorial Note: Formerly IT-1.001(3), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 38, No. 8, February 24, 2012

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-1.009	Mapping Requirements
12D-1.010	Reconciliation of Interim Tax Rolls – Form of Notification

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-1.009, F.A.C., (Mapping Requirements) is to clarify reporting requirements for parcel numbers linked to the property maps. The uniform requirement addressed in this amendment is that the property appraiser shall maintain the full parcel number. The purpose of amending Rule 12D-1.010, F.A.C., (Reconciliation of Interim Tax Rolls – Form of Notification) is to conform with changes to Section 195.022, Florida Statutes, made by Chapter 2009-67, Laws of Florida, which remove requirements that the Department is to provide paper forms to the counties.

SUMMARY: The proposed amendment to Rule 12D-1.009, F.A.C., removes outdated language and clarifies reporting the parcel numbers on the tax rolls. The proposed amendment to Rule 12D-1.010, F.A.C., removes language instructing the Department to provide paper forms to the county offices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.1145, 193.122, 195.022, 195.062, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department’s site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-1.009 Mapping Requirements.

(1) Each county property appraiser shall have and maintain the following:

- (a) Aerial photography suitable for the needs of his office.
- (b) Property ownership maps which will reflect the following:

1. through 2. No change.

3. Parcel number corresponding to that as listed on the current county tax roll (normally the last four digits of the property identification number).

(2) Suggested procedures for establishing and maintaining an adequate cadastral mapping program to meet these requirements are contained in the mapping guidelines of the Department of Revenue's Manual of Instructions.

Rulemaking Specific Authority 193.085(2), 195.027(1), 213.06(1) FS. Law Implemented 195.022, 195.062 FS. History--New 10-12-76, Formerly 12D-1.09, Amended _____.

12D-1.010 Reconciliation of Interim Tax Rolls – Form of Notification.

(1) through (14) No change.

(15) Forms, as required by this rule, shall be reproduced ~~ordered~~ by the property appraiser or tax collector ~~from the Department~~. However Provided, however, that for good cause shown as provided in subsection 12D-16.001(5), F.A.C., the Department shall ~~may~~ approve a change in the format or content of any form required by this rule. ~~The Department shall furnish the forms required by this rule within a reasonable period of time.~~

(16) through (19) No change.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 193.122, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443 FS. History--New 11-23-83, Amended 12-26-85, Formerly 12D-1.10, Amended 12-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-2.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D 2.001, F.A.C. (Definitions), is to add a definition of “centrally assessed property” to fully implement the exemption in Section 196.183, Florida Statutes, for such property consistent with procedures for assessments of such property to be certified to the property appraiser by the Department of Revenue as required by Section 193.085, F.S.

SUMMARY: The proposed amendment to Rule 12D-2.001, F.A.C., adds a definition of Centrally Assessed Property as requested by Joint Administrative Procedures Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 193.085(4), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.085, 195.073, 196.183, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department’s site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-2.001 Definitions.

(1) through (10) No change.

(11) Centrally Assessed Property – All railroad operating property subject to assessment according to Section 193.085(4)(a), F.S., and rolling stock of private car and freight line and equipment companies subject to assessment by the department under Section 193.085(4)(b), F.S.

Rulemaking Specific Authority 193.085(4), 195.027(1), 213.06(1) FS. Law Implemented 193.085, 195.073, 196.183 FS. History–New 11-9-76, Formerly 12D-2.01, Amended 12-31-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-5.004	Other Factors Applicable to Classification of Agricultural Lands
12D-5.014	Conservation Easement, Environmentally Endangered or Outdoor Recreational or Park Property Assessed Under Section 193.501, F.S.

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D 5.004, F.A.C. (Other Factors that May Become Applicable to Classification of Agricultural Land), is to implement an additional factor, added by Chapter 2008-197, Laws of Florida, for the property appraiser to use to determine the use of land for agricultural purposes. This change complies with the amendment to Section 193.461, Florida Statutes. The purpose of the proposed Rule 12D-5.014, F.A.C. (Conservation Easement, Environmentally Endangered or Outdoor Recreational or Park Property Assessed Under Section 193.501, F.S.), is to implement provisions of Chapter 2009-157, L.O.F., amending Section 193.501, F.S. This rule implements an application to be filed with the property appraiser for a conservation easement assessment and a short form to annually reapply.

SUMMARY: The proposed amendment to Rule 12D-5.004, F.A.C., is to include a factor for classification of agricultural lands and to revise the title of the rule. The proposed creation of Rule 12D-5.014, F.A.C., is to implement an application to be filed with the property appraiser for a conservation easement assessment and a short form to annually reapply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of

this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.461, 193.501, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department’s site at: <http://dor.myflorida.com/dor/property/legislation>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-5.004 Other Factors ~~that May Become~~ Applicable to Classification of Agricultural Lands.

(1) through (2) No change.

(3) A minimum acreage cannot be required for agricultural assessment in determining whether the use of the land for agricultural purposes is bona fide.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.461, 213.05 FS. History—New 10-12-76, Amended 11-10-77, Formerly 12D-5.04, Amended_____.

12D-5.014 Conservation Easement, Environmentally Endangered or Outdoor Recreational or Park Property Assessed Under Section 193.501, F.S.

(1) To apply for the assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted, a property owner must submit an original application to the property appraiser by March 1, as outlined in Section 193.501, F.S.

(2) The Department prescribes Form DR-482C, Land Used for Conservation, Assessment Application, and incorporated by reference in Rule 12D-16.002, F.A.C., for property owners to apply for the assessment in Section 193.501, F.S.

(3) The Department prescribes Form DR-482CR, Land Used for Conservation, Assessment Reapplication, incorporated by reference in Rule 12D-16.002, F.A.C., for property owners to reapply for the assessment after the first year a property is assessed under Section 193.501, F.S., when the property owner and use have not changed. The property owner must complete and return the reapplication to the property appraiser by March 1.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.501, 213.05 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-7.0055	Exemption for Deployed Servicemembers
12D-7.006	Exemption for Totally and Permanently Disabled Persons
12D-7.013	Homestead Exemptions – Abandonment
12D-7.0142	Additional Homestead Exemption
12D-7.0143	Additional Homestead Exemption Up To \$50,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year

12D-7.019 Tangible Personal Property Exemption

12D-7.020 Exemption for Real Property Dedicated in Perpetuity for Conservation

PURPOSE AND EFFECT: The purpose of proposed Rule 12D-7.0055, F.A.C. (Exemption for Deployed Servicemembers), is to implement the provisions of Chapter 2011-93, Laws of Florida, replacing Emergency Rule 12DER11-12. This proposed Rule implements an additional homestead exemption for active duty servicemembers deployed outside the continental United States, Alaska, or Hawaii in support of a designated operation. The purpose of the amended Rule 12D-7.006, F.A.C. (Exemption for Totally and Permanently Disabled Persons), is to implement the provisions of Chapter 2007-121, L.O.F., which allows for a second form from an optometrist to be used for blind persons to show evidence of entitlement to the exemption. The purpose of amending Rule 12D-7.013, F.A.C. (Homestead Exemptions – Abandonment), is to implement the provisions of Chapter 2010-176, L.O.F., containing an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes. The purpose of proposed Rule 12D-7.0142, F.A.C. (Additional Homestead Exemption), is to implement the provisions of Chapter 2008-173, L.O.F., replacing Emergency Rule 12DER11-08. This proposed rule will provide for the additional homestead exemption. The purpose of amending Rule 12D-7.0143, F.A.C. (Additional Homestead Exemption Up To \$50,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year), is to implement the provisions of Chapter 2007-4, L.O.F., to reflect the exemption amount and form number for an earnings statement. The purpose of proposed Rule 12D-7.019, F.A.C. (Tangible Personal Property Exemption), is to implement the provisions of Chapter 2008-173, L.O.F., replacing Emergency Rule 12DER11-07. This proposed rule will implement the tangible personal property exemption and the procedure to apply for and receive the exemption. The purpose of proposed Rule 12D-7.020, F.A.C. (Exemption for Real Property Dedicated in Perpetuity for Conservation), is to implement the provisions of Chapter 2009-157, L.O.F. This proposed Rule implements an additional exemption for real property dedicated in perpetuity for conservation.

SUMMARY: The proposed creation of Rule 12D-7.0055, F.A.C., implements an additional homestead exemption for active duty servicemembers deployed outside the continental US, Alaska, or Hawaii in support of a designated operation. The proposed amendment to Rule 12D-7.006, F.A.C., implements legislation that allows an optometrist to be one of the practitioners to certify blindness to qualify a person for an exemption. The proposed amendment to Rule 12D-7.013, F.A.C., implements a statutory condition that constitutes an abandonment of homestead property for homestead exemption purposes. The proposed creation of Rule 12D-7.0142, F.A.C.,

provides an additional \$25,000 exemption for qualified homesteads. The proposed amendment to Rule 12D-7.0143, F.A.C., updates the homestead exemption amount to \$50,000 for persons 65 and older whose annual income does not exceed \$20,000. The proposed Rule 12D-7.019, F.A.C., is created to explain the tangible personal property exemption and the procedure to apply for and receive the exemption. The proposed Rule 12D-7.020, F.A.C., is created to identify the exemption for real property dedicated in perpetuity for conservation and incorporate the form DR-418C, Real Property Dedicated in Perpetuity for Conservation-Exemption Application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 196.075(5), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.063, 193.072, 193.074, 193.114, 196.001, 196.011, 196.012, 196.031, 196.071, 196.075, 196.082, 196.101, 196.173, 196.183, 196.196, 196.24, 196.26, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting

will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-7.0055 Exemption for Deployed Servicemembers.

(1) This rule applies to the exemption provided in Section 196.173, F.S., for servicemembers who receive a homestead exemption and who were deployed during the previous tax year. For the purposes of this rule the following definitions must apply:

(a) "Servicemember" means a member or former member of:

1. Any branch of the United States military or military reserves.

2. The United States Coast Guard or its reserves, or

3. The Florida National Guard.

(b) "Deployed" means:

1. On active duty.

2. Outside of the continental United States, Alaska or Hawaii, and

3. In support of a designated operation.

(c) "Designated Operation" means an operation designated by the Florida Legislature. The Department must annually provide all property appraisers with a list of operations which have been designated.

(2)(a) Application for this exemption must be made by March 1 of the year following the qualifying deployment. If the servicemember fails to make a timely application for this exemption, the property appraiser may grant the exemption on a late application if they believe circumstances warrant that it be granted. The servicemember may also petition the value adjustment board to accept the late application no later than 25 days after the mailing of the notice provided under Section 194.011(1), F.S.

(b) Application for this exemption must be made on Form DR-501M, Deployed Military Exemption Application (incorporated by reference in Rule 12D-16.002, F.A.C.).

(c) In addition to the application, the servicemember must submit to the property appraiser deployment orders or other proof of the qualifying deployment which includes the dates of that deployment and other information necessary to verify eligibility for this exemption. If the servicemember fails to include this documentation with the application, the property appraiser may request the needed documentation from the servicemember before denying the exemption.

(d) Application for this exemption may be made by:

1. The servicemember.
2. The servicemember's spouse, if the homestead is held by the entireties or jointly with right of survivorship.
3. A person holding a power of attorney or other authorization under Chapter 709, F.S., or
4. The personal representative of the servicemember's estate.

(3) After receiving an application for this exemption, the property appraiser must consider the application within 30 days of its receipt or within 30 days of the notice of qualifying deployment, whichever is later. If the application is denied in whole or in part, the property appraiser must send a notice of disapproval to the taxpayer no later than July 1, citing the reason for the disapproval. The notice of disapproval must also advise the taxpayer of the right to appeal the decision to the value adjustment board.

(4) This exemption must apply only to the portion of the property which is the homestead of the deployed servicemember or servicemembers.

(5) The percentage exempt under this exemption must be calculated as the number of days the servicemember was deployed during the previous calendar year divided by the number of days in that year multiplied by 100.

(6) If the homestead property is owned by joint tenants with a right of survivorship or tenants by the entireties, the property may be granted multiple exemptions for deployed servicemembers. The following provisions must apply in the event that multiple servicemembers are applying for the exemption on the same homestead property:

(a) Each servicemember must make a separate application to the property appraiser listing the dates of their deployment.

(b) The property appraiser must separately calculate the exemption percentage for each servicemember.

(c) The property appraiser must then add the percentages exempt which were determined for each of the servicemembers who are joint tenants with rights of survivorship or tenants by the entirety before applying that percentage to the taxable value. In no event must the percentage exempt exceed 100%.

(7) When calculating exemptions and taxes due, the property appraiser must first apply the exemptions listed in Section 196.031(7), F.S., in the order specified, to produce school and county taxable values. The percentage exempt calculated under this exemption must then be applied to both taxable values producing final taxable values. The taxes due

must then be calculated and the percentage discount for disabled veterans under Section 196.082, F.S., should then be applied.

(8) If the property is owned by either tenants in common or joint tenants without right of survivorship, the percentage discount allowed under this rule must only apply to the taxable value of the qualifying servicemembers' interest in the property.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.082, 196.173, 213.05 FS. History—New

12D-7.006 Exemption for Totally and Permanently Disabled Persons.

(1) through (3) No change.

(4) Subject to the income limitations pursuant to Section 196.101, F.S. Florida Statutes, and Form DR-501S, (incorporated by reference in Rule 12D-16.002, F.A.C.) the homestead property of a paraplegic, hemiplegic, or any other totally and permanently disabled person who must use a wheelchair for mobility or who is legally blind is exempt from ad valorem taxation.

(5) To provide evidence of entitlement to the exemption, a paraplegic, hemiplegic, or other totally and permanently disabled person who must use a wheelchair, or a person who is legally blind must provide the following furnish to the property appraiser, the following:

(a) 1. A certificate of disability, Form DR-416 (incorporated by reference in Rule 12D-16.002, F.A.C.), from two doctors of this state licensed under Chapter 458 or Chapter 459, F.S. Florida Statutes; or

2. ~~(b)~~ A certificate of disability from the United States Department of Veterans Affairs or its predecessor; or ~~and~~

3. For blind persons, a certificate of disability, Form DR-416, from one doctor of this state licensed under Chapter 458 or 459, F.S., and a certificate of disability, Form DR-416B (incorporated by reference in Rule 12D-16.002, F.A.C.), from one optometrist licensed in this state under Chapter 463, F.S.; and

~~(b)(e)~~ A Statement of Gross Income, Form DR-501A (incorporated by reference in Rule 12D-16.002, F.A.C.).

(6) through (8) No change.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.011, 196.012, 196.101, 213.05 FS. History—New 10-12-76, Formerly 12D-7.06, Amended 12-27-94, _____.

12D-7.013 Homestead Exemptions – Abandonment.

(1) through (5) No change.

(6) Homestead property that is uninhabitable due to damage or destruction by misfortune or calamity shall not be considered abandoned in accordance with the provisions of Section 196.031(6)(7), F.S., where:

(a) The property owner notifies the property appraiser of his or her intent to repair or rebuild the property,

(b) The property owner notifies the property appraisers of his or her intent to occupy the property after the property is repaired or rebuilt,

(c) The property owner does not claim homestead exemption elsewhere, and

(d) The property owner commences the repair or rebuilding of the property within three (3) years after January 1 following the damage or destruction to the property.

(7) After the three (3) year period, the expiration, lapse, nonrenewal, or revocation of a building permit issued to the property owner for such repairs or rebuilding also constitutes abandonment of the property as homestead.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.041, 196.061, 196.071, 213.05 FS. History–New 10-12-76, Formerly 12D-7.13, Amended 10-2-07, _____.

12D-7.0142 Additional Homestead Exemption.

(1) A taxpayer who receives the \$25,000 homestead exemption may claim the additional homestead exemption of up to \$25,000 on the assessed value greater than \$50,000.

(2) To apply for the additional homestead exemption, no new application form is needed. Form DR-501, (incorporated by reference in Rule 12D-16.002, F.A.C.), will be considered the application for exemption.

(3) The additional homestead exemption applies only to non-school levies.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.114, 196.031, 196.075, 196.082, 196.196, 196.24 FS. History–New _____.

12D-7.0143 Additional Homestead Exemption Up To ~~\$50,000~~ \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year.

(1) The following procedures shall apply in counties and municipalities that have granted an additional homestead exemption up to ~~\$50,000~~ \$25,000 for persons 65 and older on January 1, whose household adjusted gross income for the prior year does not exceed \$20,000, adjusted beginning January 1, 2001, by the percentage change in the average cost-of-living index.

(2) through (2)(b) No change.

(c) any wage earning statements for each member of the household, which shall include Forms W-2, RRD-1042S, SSA-1042S, 1099, 1099A ~~4999A~~, RRD 1099, and SSA-1099, if any.

(3) through (5) No change.

Rulemaking Specific Authority 195.027(1), 196.075(5), 213.06(1) FS. Law Implemented 193.074, 196.075, 213.05 FS. History–New 12-30-99, Amended 12-30-02, _____.

12D-7.019 Tangible Personal Property Exemption.

(1) The filing of a complete Form DR-405, or Form DR-470A (incorporated by reference in Rule 12D-16.002, F.A.C.) shall be considered the application for exemption.

(2) Taxpayers who fail to file complete returns by April 1 or within any applicable extension period, shall not receive the \$25,000 exemption. However, at the option of the property appraiser, owners of property previously assessed without a return being filed may qualify for the exemption without filing an initial return. Nothing in this rule shall preclude a property appraiser from requiring that Form DR-405 be filed. Returns not timely filed shall be subject to the penalties enumerated in Section 193.072, F.S. Claims of more exemptions than allowed under subsection 196.183(1), F.S., are subject to the taxes exempted as a result of wrongfully claiming the additional exemptions plus penalties on these amounts as enumerated in Section 196.183(5), F.S.

(3) Section 196.183(1), F.S., states that a single return must be filed, and therefore a single exemption granted, for all freestanding equipment not located at the place where the owner of tangible personal property transacts business.

(4) “Site where the owner of tangible personal property transacts business”.

(a) Section 196.183(2), F.S. defines “site where the owner of tangible personal property transacts business”. A “site where the owner of tangible personal property transacts business” includes facilities where the business ships or receives goods, employees of the business are located, goods or equipment of the business are stored, or goods or services of the business are produced, manufactured, or developed, or similar facilities located in offices, stores, warehouses, plants, or other locations of the business. Sites where only the freestanding property of the owner is located shall not be considered sites where the owner of tangible personal property transacts business.

(b) Example: A business leasing copying machines or other freestanding equipment, the location where the leased equipment is located does not constitute a site where the owner transacts business. If it is not a site where one or more of the activities stated in paragraph (a) occur, for purposes of the tangible personal property exemption, it is not considered a site where the owner transacts business.

(5) Property Appraiser Actions – Maintaining Assessment Roll Entry. For all freestanding equipment not located at a site where the owner of tangible personal property transacts business, and for which a single return is required, and for property assessed under Section 193.085, F.S., the property appraiser is responsible for allocating the exemption to those taxing jurisdictions in which freestanding equipment or property assessed under Section 193.085, F.S. is located. Allocation should be based on the proportionate share of the just value of such property in each jurisdiction. However, the

amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll under Section 193.122, F.S.

(6) By February 1 of each year, the property appraiser shall notify by mail all taxpayers whose requirement for filing an annual tangible personal property tax return was waived in the previous year. The notification shall state that a return must be filed if the value of the taxpayer's tangible personal property exceeds the exemption and shall include notification of the penalties for failure to file such a return. Form DR-405W, (incorporated by reference in Rule 12D-16.002, F.A.C.), may be used by property appraisers at their option.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 192.047, 193.063, 193.072, 193.114, 193.122, 196.183, 213.05 FS. History—New _____.

12D-7.020 Exemption for Real Property Dedicated in Perpetuity for Conservation.

(1) To apply for the exemption in Section 196.26, F.S., a property owner must submit an original application to the property appraiser by March 1, as outlined in Section 196.011, F.S.

(2) The Department prescribes Form DR-418C, Real Property Dedicated in Perpetuity for Conservation, Exemption Application, incorporated by reference in Rule 12D-16.002, F.A.C. Property owners must use this form to apply for the exemption in Section 196.26, F.S.

(3) The Department prescribes Form DR-418CR, Real Property Dedicated in Perpetuity for Conservation, Exemption Renewal, incorporated by reference in Rule 12D-16.002, F.A.C. After the first year a property receives the exemption in Section 196.26, F.S., the property appraiser must mail a renewal application to the property owner by February 1. The property owner must complete and return the renewal application to the property appraiser by March 1.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 196.011, 196.26, 213.05 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-8.0061	Assessments; Homestead Property Assessments at Just Value
12D-8.0065	Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications
12D-8.00659	Notice of Change of Ownership or Control of Non-Homestead Property.
12D-8.022	Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue

PURPOSE AND EFFECT: The purpose of the amendment to subsection 12D-8.0061(2), F.A.C., is to implement the provisions of Chapter 2010-109, Laws of Florida, to implement the additional criteria that apply to a change of ownership in Section 193.155, Florida Statutes. The purpose of proposed Rule 12D-8.0065, F.A.C., is to implement the provisions of Chapter 2008-173, L.O.F., replacing Emergency Rules 12DER11-03 and 12DER11-06. This proposed rule implements the procedures for the transfer of homestead assessment limitation difference (portability), provides necessary forms to apply for portability and provides instructions the property appraisers. The purpose of proposed Rule 12D-8.0659, F.A.C., is to implement the provisions of Chapters 2008-173 and 2010-109, L.O.F., that created ss. 193.1554, 193.1555, and 193.1556, F.S. The proposed rule implements instructions to property owners for the procedures and criteria to inform the property appraiser about any change of ownership or control for non-homestead real property. The purpose of proposed Rule 12D-8.022, F.A.C., is to implement the provisions of Chapter 2008-173, L.O.F., replacing Emergency Rule 12DER11-09. This proposed rule implements Section 218.12, F.S., with procedures for fiscally constrained counties to apply for the funds to offset reductions in ad valorem tax revenue.

SUMMARY: The amendment of Rule 12D-8.0061, F.A.C., implements the additional criteria that apply to a change of ownership in Section 193.155, Florida Statutes. The proposed Rule 12D-8.0065, F.A.C., implements the procedures for the transfer of homestead assessment limitation difference (portability), provides necessary forms to apply for portability and provides instructions to the property appraisers. Creation of Rule 12D-8.00659, F.A.C., implements instructions to property owners for the procedures and criteria to inform the property appraiser about any change of ownership or control for non-homestead real property. Creation of Rule 12D-8.022, F.A.C., creates a report to be completed by fiscally constrained counties to apply for the funds distributed by the legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.011, 193.023, 193.114, 193.1142, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.703, 194.011, 200.065, 213.05, 218.12, 218.125, 218.67 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850) 617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0061 Assessments; Homestead Property Assessments at Just Value.

(1) No change.

(2) Real property shall be assessed at just value as of January 1 of the year following any change of ownership. If the change of ownership occurs on January 1, subsection (1) shall apply. For purposes of this section, a change of ownership includes any transfer of homestead property receiving the exemption, but does not include any of the following:

(a) Any transfer in which the person who receives homestead exemption is the same person who was entitled to receive homestead exemption on that property before the transfer, and

1. No change.

2. The transfer is between legal and equitable title or equitable and equitable title and no other person applies for a homestead exemption on the property; or

3. No change.

(b) through (c) No change.

(d) The transfer occurs by operation of law to the surviving spouse or minor child or children under Section section 732.401 732.4015, F.S. Florida Statutes.

(3) A leasehold interest that qualifies for the homestead exemption under Sections 196.031 or 196.041, F.S., shall be treated as an equitable interest in the property for purposes of subsection (2).

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 213.05 FS. History—New 12-27-94, Amended 10-2-07.

12D-8.0065 Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications.

(1) For purposes of this rule, the following definitions apply.

(a) "The previous property appraiser" means the property appraiser in the county where the taxpayer's previous homestead property was located.

(b) "The new property appraiser" means the property appraiser in county where the taxpayer's new homestead is located.

(c) "The previous homestead" means the homestead which the assessment difference is being transferred from.

(d) "The new homestead" means the homestead which the assessment difference is being transferred to.

(e) “Assessment difference” means the difference between assessed value and just value attributable to Section 193.155, F.S.

(2) Section 193.155(8), F.S., provides the procedures for the transfer of the homestead assessment difference, within stated limits, when a homestead is abandoned. This rule describes those procedures, which are an alternative to assessment at just value. The amount of the assessment difference is transferred as a reduction to the just value of the interest owned by taxpayers that qualify and receive homestead exemption on a new homestead.

(a) This rule sets limits and requirements consistent with Section 193.155(8), F.S. A taxpayer may apply for the transfer of an assessment difference from a previous homestead property to a new homestead property if:

1. The taxpayer received a homestead exemption on the previous property on January 1 of one of the last two years before establishing the new homestead; and

2. The previous property was abandoned as a homestead after that January 1; and

3. The previous property was, or will be, reassessed at just value or assessed under Section 193.155(8), F.S., as of January 1 of the year after the year in which the abandonment occurred subject to Sections 193.155(8) and 193.155(3), F.S.; and

4. The taxpayer establishes a new homestead on the property by January 1 of the year they are applying for the transfer.

(b) Under Section 193.155(8), F.S., the transfer is only available from a prior homestead for which a taxpayer previously received a homestead exemption. For these rules:

1. If a husband and wife owned and resided on a previous homestead, each is considered to have received the homestead exemption, even if only one of them applied.

2. For joint tenants with rights of survivorship and for tenants in common, those who applied for, received the exemption, and resided on a previous homestead are considered to have received the exemption.

(3) To apply for portability, the taxpayer must file Form DR-501T, Transfer of Homestead Assessment Difference, (incorporated by reference in Rule 12D-16.002, F.A.C.), including a sworn statement, by March 1. Form DR-501T is submitted as an attachment to Form DR-501, Original Application for Ad Valorem Tax Exemption, (incorporated by reference in Rule 12D-16.002, F.A.C.).

(4) Within the limitations for multiple owners in subsection (5), the total which may be transferred is limited as follows:

(a) Upsizing – When the just value of the new homestead equals or is greater than the just value of the previous homestead, the maximum amount that can be transferred is \$500,000.

(b) Downsizing - When the just value of the new homestead is less than the just value of the previous homestead, the maximum amount that can be transferred is \$500,000. Within that limit, the amount must be the same proportion of the new homestead’s just value as the proportion of the assessment difference was of the previous homestead’s just value.

(5)(a) Transferring without splitting or joining – When two or more persons jointly abandon a single homestead and jointly establish a new homestead, the provisions for splitting and joining below do not apply if no additional taxpayers are part of either homestead. The maximum amount that can be transferred is \$500,000.

(b) Splitting – When two or more people who previously shared a homestead abandon that homestead and establish separate homesteads, the maximum total amount that can be transferred is \$500,000. Within that limit, each taxpayer who received a homestead exemption and is eligible to transfer an amount is limited to a share of the previous homestead’s difference between assessed value and just value.

1. For tenants in common, this share is the difference between just value and assessed value for the tenant’s proportionate interest in the property. This is the just value of the taxpayer’s interest minus the assessed value of the taxpayer’s interest.

2. For joint tenancy with right of survivorship and for a husband and wife, the share is the assessed value of the homestead portion of the property, divided by the number of owners that received the exemption, unless another interest share is on the title. In that case, the portion of the amount that may be transferred is the difference between just value and assessed value for the stated share.

3. The shares of the assessment difference cannot be sold, transferred, or pledged to any taxpayer. For example, if a husband and wife divorce and both abandon the homestead, they each take their share of the assessment difference with them. The property appraiser cannot accept a stipulation otherwise. The shares of the taxpayers that received the homestead exemption cannot total more than 100 percent.

(c) Joining – When two or more people, some of whom previously owned separate homesteads and received a homestead exemption, join together to qualify for a new homestead, the maximum amount that can be transferred is \$500,000. Within that limit, the amount that can be transferred is limited to the highest difference between assessed value and just value from any of the taxpayers’ former homesteads.

(6) Abandonment.

(a) To transfer an assessment difference, a homestead owner must abandon the homestead before January 1 of the year the new application is made. To do this, the taxpayer must notify the property appraiser in writing by the time he or she applies for the new homestead exemption. To transfer the assessment difference, the previous homestead must be

reassessed at just value as of January 1, subject to Sections 193.155(8) and 193.1553, F.S., which provide for assessment at other than just value.

(b) In the case of joint tenants with right of survivorship, if only one owner moved and the other stayed in the original homestead, the homestead would not be abandoned. The one who moved could not transfer any assessment difference.

(c) To receive an assessment reduction under Section 193.155(8), F.S., a taxpayer may abandon his or her homestead even though it remains his or her primary residence by providing written notification to the property appraiser of the county where the homestead is located. This notification must be delivered before or at the same time as the timely filing of a new application for homestead exemption on the property. This abandonment will result in reassessment at just value as provided in subparagraph (2)(a)3. of this rule.

(7) Only the difference between assessed value and just value attributable to Section 193.155, F.S., can be transferred.

(a) If a property has both the homestead exemption and an agricultural classification, a taxpayer cannot transfer the difference that results from an agricultural classification.

(b) If a homeowner has a homestead and is receiving a reduction in assessment for living quarters for parents or grandparents under Section 193.703, F.S., the reduction is not included in the transfer. When calculating the amount to be transferred, the amount of that reduction must be added back into the assessed value before calculating the difference.

(8) Procedures for property appraiser:

(a) If the previous homestead was in a different county than the new homestead, the new property appraiser must transmit a copy of the completed Form DR-501T with a completed Form DR-501 to the previous property appraiser. If the previous homesteads of taxpayers applying for transfer were in more than one county, each taxpayer from a different county must fill out a separate Form DR-501T.

1. The previous property appraiser must complete Form DR-501RVSH, Certificate for Transfer of Homestead Assessment Difference (incorporated by reference in Rule 12D-16.002, F.A.C.). By April 1 or within two weeks after receiving Form DR-501T, whichever is later, the previous property appraiser must send this form to the new property appraiser. As part of the information returned on Form DR-501RVSH, the previous property appraiser must certify that the amount transferred is part of a previous homestead that has been or will be reassessed at just value as of January 1 of the year after the year in which the abandonment occurred as described in subparagraph (2)(a)3. of this rule.

2. Based on the information provided on Form DR-501RVSH from the previous property appraiser, the new property appraiser calculates the amount that may be transferred and applies this amount to the January 1 assessment of the new homestead for the year applied for.

(b) If the transfer is from the same county as the new homestead, the property appraiser retains Form DR-501T. Form DR-501RVSH is not required. For a taxpayer that applied on time for the transfer of assessment difference, the property appraiser updates the ownership share information using the share methodology in this rule.

(c) The new property appraiser must record the following in the assessment roll submitted to the Department according to Section 193.1142, F.S., for the year the transfer is made to the homestead parcel:

1. Flag for current year assessment difference transfer;

2. Number of owners among whom the previous assessment difference was split. Enter 1 if previous difference was not split;

3. Assessment difference value transferred;

4. County number of previous homestead;

5. Parcel ID of previous homestead;

6. Year from which assessment difference value was transferred;

(d) Property appraisers that have information sharing agreements with the Department are authorized to share confidential tax information with each other under Section 195.084, F.S., including social security numbers and linked information on Forms DR-501, DR-501T, and DR-501RVSH.

(9) The transfer of an assessment difference is not final until all values on the assessment roll on which the transfer is based are final. If the values are final after the procedures in these rules are exercised, the property appraiser(s) must make appropriate corrections and send a corrected assessment notice. Any values that are in administrative or judicial review must be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of Section 193.155(8), F.S., may be fulfilled. This rule does not authorize the consideration or adjustment of the just, assessed, or taxable value of the previous homestead property.

(10) Additional provisions.

(a) If the information from the previous property appraiser is provided after the procedures in this section are exercised, the new property appraiser must make appropriate corrections and send a corrected assessment notice.

(b) The new property appraiser must promptly notify a taxpayer if the information received or available is insufficient to identify the previous homestead and the transferable amount. This notice must be sent by July 1.

(c) If the previous property appraiser supplies enough information to the new property appraiser, the information is considered timely if provided in time to include it on the notice of proposed property taxes sent under Sections 194.011 and 200.065(1), F.S.

(d) If the new property appraiser has not received enough information to identify the previous homestead and the transferable amount in time to include it on the notice of

proposed property taxes, the taxpayer may file a petition with the value adjustment board in the county of the new homestead.

(11) Denials.

(a) If the taxpayer is not qualified for transfer of any assessment difference, the new property appraiser shall send Form DR-490PORT, Notice of Denial of Transfer of Homestead Assessment Difference, (incorporated by reference in Rule 12D-16.002, F.A.C.) to the taxpayer by July 1 and include the reasons for the denial.

(b) Any property appraiser who sent a notice of denial by July 1 because he or she did not receive sufficient information to identify the previous homestead and the amount which is transferable, may grant the transfer after receiving information from the previous property appraiser showing the taxpayer was qualified. If a petition was filed based on a timely application for the transfer of an assessment difference, the value adjustment board shall refund the taxpayer the \$15.

(c) Petitions of denials may be filed with the value adjustment board as provided in Rule 12D-9.028, F.A.C.

(12) Late applications.

(a) Any taxpayer qualified to have property assessed under Section 193.155(8), F.S., who fails to file for a new homestead on time in the first year following eligibility may file in a subsequent year. The assessment reduction shall be applied to assessed value in the year the transfer is first approved. A refund may not be given for previous years.

(b) Any taxpayer who is qualified to have his or her property assessed under Section 193.155(8), F.S., who fails to file an application by March 1, may file an application for assessment under that subsection and, under Section 194.011(3), F.S., may file a petition with the value adjustment board requesting the assessment be granted. The petition may be filed at any time during the taxable year by the 25th day following the mailing of the notice by the property appraiser as provided in Section 194.011(1), F.S. In spite of Section 194.013, F.S., the taxpayer must pay a nonrefundable fee of \$15 when filing the petition. After reviewing the petition, the property appraiser or the value adjustment board may grant the assessment under Section 193.155(8), F.S., if the property appraiser or value adjustment board find the taxpayer is qualified and demonstrates particular extenuating circumstances to warrant granting the assessment.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 192.047, 193.114, 193.1142, 193.155, 193.461, 193.703, 194.011 FS. History--New _____.

12D-8.00659 Notice of Change of Ownership or Control of Non-Homestead Property.

(1) Any person or entity that owns non-homestead property that is entitled to receive the 10 percent assessment increase limitation under Section 193.1554 or 193.1555, F.S., must notify the property appraiser of the county where the

property is located of any change of ownership or control as defined in Sections 193.1554(5) and 193.1555(5), F.S. This notification is not required if a deed or other instrument of title has been recorded in the county where the parcel is located.

(2) As provided in Sections 193.1554(5) and 193.1555(5), F.S., a change of ownership or control means any sale, foreclosure, transfer of legal title or beneficial title in equity to any person, or the cumulative transfer of control or of more than fifty (50) percent of the ownership of the legal entity that owned the property when it was most recently assessed at just value.

(3) For purposes of a transfer of control, "controlling ownership rights" means voting capital stock or other ownership interest that legally carries voting rights or the right to participate in management and control of the legal entity's activities. The term also includes an ownership interest in property owned by a limited liability company or limited partnership that is treated as owned by its sole member or sole general partner.

(4)(a) A cumulative transfer of control of the legal entity that owns the property happens when any of the following occur:

1. The ownership of the controlling ownership rights changes and either:

a. A shareholder or other owner that did not own more than fifty (50) percent of the controlling ownership rights becomes an owner of more than fifty (50) percent of the controlling ownership rights; or

b. A shareholder or other owner that owned more than fifty (50) percent of the controlling ownership rights becomes an owner of less than fifty (50) percent of the controlling ownership rights.

2.a. There is a change of all general partners; or

b. Among all general partners the ownership of the controlling ownership rights changes as described in subparagraph 1. above.

(b) If the articles of incorporation and bylaws or other governing organizational documents of a legal entity require a two-thirds majority or other supermajority vote of the voting shareholders or other owners to approve a decision, the supermajority shall be used instead of the fifty (50) percent for purposes of paragraph (a) above.

(5) There is no change of ownership if:

(a) The transfer of title is to correct an error;

(b) The transfer is between legal and equitable title; or

(c) For "non-homestead residential property" as defined in Section 193.1554(1), F.S., the transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage. This paragraph does not apply to non-residential property that is subject to Section 193.1555, F.S.

(6) For a publicly traded company, there is no change of ownership or control if the cumulative transfer of more than 50 percent of the ownership of the entity that owns the property occurs through the buying and selling of shares of the company on a public exchange. This exception does not apply to a transfer made through a merger with or an acquisition by another company, including an acquisition by acquiring outstanding shares of the company.

(7)(a) For changes of ownership or control, as referenced in subsection (2) of this rule, the owner must complete and send Form DR-430, Change of Ownership or Control, Non-Homestead Property, to the property appraiser unless a deed or other instrument of title has been recorded in the county where the parcel is located. This form is adopted by the Department of Revenue and incorporated by reference in Rule 12D-16.002, F.A.C. If one owner completes and sends a Form DR-430 to the property appraiser, another owner is not required to send an additional Form DR-430.

(b) Form DR-430M, Change of Ownership or Control, Multiple Parcels, (incorporated by reference in Rule 12D-16.002, F.A.C.) may be used as an attachment to Form DR-430. A property owner may use DR-430M to list all property owned or controlled in the state for which a change of ownership or control has occurred. A copy of the form should be sent to each county property appraiser where a parcel is located. This form is adopted by the Department of Revenue and incorporated by reference in Rule 12D-16.002, F.A.C.

(c) On January 1, property assessed under Sections 193.1554 and 193.1555, F.S., must be assessed at just value if the property has had a change of ownership or control since the January 1 when the property was most recently assessed at just value.

(d) The property appraiser is required to record a tax lien on any property owned by a person or entity that was granted, but not entitled to, the property assessment limitation under Section 193.1554 or 193.1555, F.S.

(e) The property appraiser shall use the information provided on the Form DR-430 to assess property as provided in Sections 193.1554, 193.1555, and 193.1556, F.S. For listing ownership on the assessment rolls, the property appraiser must not use Form DR-430 as a substitute for a deed or other instrument of title in the public records.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1554, 193.1555, 193.1556 FS. History—New _____.

12D-8.022 Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue.

(1) This rule applies to counties that meet the fiscally constrained definition in Section 218.67(1), F.S. Under Sections 218.12 and 218.125, F.S., these counties are required to apply for a distribution of funds appropriated by the Legislature for each of the following purposes:

(a) Offsetting reductions in property tax revenues occurring as a direct result of the implementation of revisions to Article VII, Florida Constitution approved in the special election held on January 29, 2008. These reductions include the additional \$25,000 homestead exemption, the \$25,000 tangible personal property exemption, homestead assessment difference transferability, and the 10 percent assessment increase limitation on nonhomestead property.

(b) Offsetting reductions in property tax revenues occurring as a direct result of the implementation of revisions to ss. 3(f) and 4(b) of Art. VII, Florida Constitution, approved in the general election held in November 2008. These reductions include the exemption for real property dedicated in perpetuity for conservation purposes and classified use assessments for land used for conservation purposes.

(2) An application must be filed with the Department of Revenue on Form DR-420FC, incorporated by reference in Rule 12D-16.002, F.A.C.

(3) Each fiscally constrained county must provide the completed form to the Department of Revenue by November 15 each year. The form must be prepared by the county property appraiser. The following is a summary of the information required on the form:

(a) An estimate of the reduction in taxable value for all county government taxing jurisdictions directly attributable to revisions to Article VII, Florida Constitution approved in the special election held on January 29, 2008. This estimate must be based on values comparable to those certified on Form DR-420, incorporated by reference in Rule 12D-16.002, F.A.C.;

(b) An estimate of the reduction in taxable value for all county government taxing jurisdictions directly attributable to revisions to ss. 3(f) and 4(b) of Art. VII, Florida Constitution, approved in the general election held in November 2008. This estimate must be based on values comparable to those certified on Form DR-420;

(c) Millage rates for all county government taxing jurisdictions as included on the tax roll extended according to Section 193.122, F.S., for all these jurisdictions for both the current and prior year;

(d) Rolled-back rates, if available, for each jurisdiction determined as provided in Section 200.065, F.S., and included on Form DR-420 by each taxing jurisdiction;

(e) Maximum millage rates, if available, for each jurisdiction that could have been levied by a majority vote as included on Form DR-420MM, Maximum Millage Levy Calculation – Final Disclosure, by each taxing jurisdiction. Form DR-420MM is incorporated by reference in Rule 12D-16.002, F.A.C.

(4) The calculation of each distribution of appropriated funds must include both operating and debt service levies, including millages levied for two years or less under Section 9(b), Article VII, Florida Constitution.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 200.065, 218.12, 218.125, 218.67 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.015	Petition; Form and Filing Fee
12D-9.036	Procedures for Petitions on Denials of Tax Deferrals

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-9.015, F.A.C., is to implement the provisions of Chapter 2011-151, Laws of Florida, relating to deferrals of taxes and assessments for homestead property, affordable housing property and working waterfront property. The purpose of this rule is to outline the process for tax collectors to notify taxpayers of their determination of eligibility for deferrals and provide an appeal procedure to the value adjustment board in cases where the deferral is denied. The purpose of the amendment to Rule 12D-9.036, F.A.C., is to implement the provisions of Chapter 2011-151, Laws of Florida, relating to hearing procedures of denials of deferrals of taxes and assessments for homestead property, affordable housing property and working waterfront property. The effect of this rule is to provide a consistent process for hearings.

SUMMARY: The amendment to Rule 12D-9.015, F.A.C., updates the deferral process for tax collectors to notify taxpayers of eligibility for deferrals and provides an appeal procedure to the value adjustment board in cases where the deferral is denied. Amendment to Rule 12D-9.036, F.A.C., implements a consistent process for denials of tax deferrals of taxes and assessments for homestead property, affordable housing property and working waterfront property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.155, 194.011, 194.013, 194.032, 194.034, 194.036, 194.171, 195.022, 195.084, 196.151, 197.2425, 197.301, 200.069, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

- 12D-9.015 Petition; Form and Filing Fee.
- (1) through (6) No change.

(7) Filing Fees. By resolution of the value adjustment board, a petition shall be accompanied by a filing fee to be paid to the board clerk in an amount determined by the board not to exceed \$15 for each separate parcel of property, real or personal covered by the petition and subject to appeal. The resolution may include arrangements for petitioners to pay filing fees by credit card.

(a) No change.

(b) No filing fee shall be required with respect to an appeal from the disapproval of a timely filed application for homestead exemption or from the denial of a ~~homestead~~ tax deferral.

(c) through (9)(c) No change.

(10) Timely Filing of Petitions. Petitions related to valuation issues may be filed, and must be accepted by the board clerk, at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes. Other petitions may be filed as follows:

(a) through (d) No change.

(e) With respect to issues involving the denial of a ~~homestead~~ tax deferral, on or before the 30th day following the mailing of the notification in writing of the denial of the deferral application ~~or on or before the 20th day following receipt of the notification, whichever date is later;~~

(f) through (14) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.155, 194.011, 194.013, 194.032, 194.034, 194.036, 194.171, 195.022, 195.084, 196.151, 197.2425, ~~197.253~~, 197.301, ~~197.3041~~, ~~197.3047~~, ~~197.3073~~, ~~197.3079~~, 200.069, 213.05 FS. History--New 3-30-10, Amended.

12D-9.036 Procedures for Petitions on Denials of Tax Deferrals.

(1) The references in these rules to the tax collector are for the handling of petitions of denials of tax deferrals under Section 197.2425, ~~Sections 197.253, 197.3041, and 197.3073~~, F.S., and petitions of penalties imposed under Section ~~Sections~~ 197.301, ~~197.3047~~, and ~~197.3079~~, F.S.

(2) To the extent possible where the context will permit, such petitions shall be handled procedurally under this rule chapter in the same manner as denials of exemptions.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.032, 194.036, 197.2425, ~~197.253~~, 197.301, ~~197.3041~~, ~~197.3047~~, ~~197.3073~~, ~~197.3079~~, 213.05 FS. History--New 3-30-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-16.001	Administration of Forms
12D-16.002	Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.001, F.A.C., is to conform with changes to Section 195.022, F.S., made by Chapter 2009-67, Laws of Florida, to remove requirements that the Department is to provide paper forms to the counties. The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement provisions from Chapters 2007-4, 2007-36, 2007-121, 2008-173, 2009-157, 2010-109, 2011-93, 2011-107, and 2011-151, Laws of Florida, and to implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUMMARY: The proposed amendment to Rule 12D-16.001, F.A.C., implements legislation instructing the Department to discontinue providing paper forms to the counties. The proposed amendment to Rule 12D-16.002, F.A.C., incorporates amended and new forms into rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2424, 197.3632, 197.3635, 197.414, 197.432, 197.474, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS. A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-16.001 Administration of Forms.

(1) The Department shall prescribe all forms and instructions relating to their use, which shall be uniform throughout the state, to be used by county property appraisers, county tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. ~~The Department shall furnish forms for counties with a population of 100,000 or less.~~

~~(2) Counties with a population of more than 100,000 shall reproduce forms for distribution at the county officer's expense.~~

~~(3)(2) The Department shall prescribe one form for each purpose. Each form shall be uniform throughout the state as to size, content, layout dimensions and construction.~~

~~(3) For counties with populations of 100,000 or less, requisitions for forms shall be made to the Department not less than 90 days prior to desired date of delivery. Requisitions for the following forms shall be submitted to the Department on or before August 1 of each year so that the property appraiser can and shall make them available in his or her office on the first working day of the next ensuing calendar year:~~

- ~~(a) Tangible Personal Property and Inventory Return;~~
- ~~(b) Application for Agricultural Classification of Lands;~~
- ~~(c) Applications for Assessment of Pollution Control Devices;~~
- ~~(d) Applications for Exemptions (original and renewal); and~~
- ~~(e) Applications for classification as High Water Recharge Lands or as Historic Properties Used for Commercial or Certain Nonprofit Purposes.~~

(4) through (5) No change.

(6) Individual officers may use supplemental forms, produced at their own expense, which they deem expedient for the purpose of administering and collecting ad valorem taxes within their own jurisdictions. Such supplemental forms may be used in conjunction with and not be substituted for, nor used in lieu of, the forms prescribed ~~and furnished~~ by the Department.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.052, 195.002, 195.022 FS. History—New 10-12-76, Amended 4-11-80, Formerly 12D-16.01, Amended 1-11-94, 12-27-94, 12-30-04,_____.

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms ~~used~~ utilized by the Department of Revenue. A copy of these forms may be obtained from the Department's website at <http://dor.myflorida.com/dor/>, or by writing to: Director, Property Tax Oversight Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and ~~hereby~~ incorporates by reference in this rule, the following forms and instructions:

	Form Number	Form Title	Effective Date
(2)	DR-401	Private Car and Freight Line Equipment Companies Annual Report and Return to the State of Florida Department of Revenue Property Tax Administration (r. 12/11 12/06)	10/07
(3)(a)		No change.	
(b)	DR-403	Tax Roll Certification (r. 6/11 n. 1/04)	12/04
(c)	DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. 1/04)	12/04
(4)(a)	DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. 1/04)	12/04
(b)	DR-403BM	Recapitulation of Taxes as Extended on the Tax Rolls; (Municipalities) (r. 6/11 5/89)	5/89
(5)(a)	DR-403CC	Recapitulation of Taxes as Extended on the Tax Rolls; County Commission, School Board, and Taxing Districts (Counties) (r. 6/11 5/89)	5/89
(b)	DR-403EB	The (tax year) Ad Valorem Assessment Rolls Exemption Breakdown of County, Florida (r. 6/11 1/04)	12/04
(6)(a)	DR-403PC	The Value and Number of Parcels on the Real Property Countywide Assessment Roll by Category (r. 06/11 5/85)	5/85
(b)	DR-403V	The (tax year) Revised Recapitulation of the Ad Valorem Assessment Roll Value Data (n. 6/11)	
(7)(a)	DR-404PA	Property Appraiser Budget Amendment/Transfer Amendment (r. 3/08)	1/86
(b)	DR-404TC	Tax Collector Budget Amendment/Transfer (r. 3/08 2/97)	12/97
(c)	DR-405	Tangible Personal Property Tax Return (r. 12/11 11/01)	12/01
(d)	DR-405W	Notice to Taxpayer Whose Tangible Personal Property Return was Waived in the Previous Year (n. 12/08)	
(8)(a)	through (b)	No change.	
(9)(a)	DR-409	Certificate of Correction of Tax Roll (r. xx/12 12/05)	1/06
(b)	DR-409A	Certificate of Correction of Non-Ad Valorem Assessment Roll (r. 12/96 12/03)	1/04
(c)	DR-410	Application for Certified Florida Collector or Certified Florida Collector Assistant (r. 3/08 12/96)	12/97
(10)(a)	DR-412	Notice of Intent (r. 12/92)	12/92
(11)(b)	DR-413	Affidavit of Proof of Publication (n. 2/91)	2/91
(11)	DR-415	Application for Department of Revenue Approved Bidder's List (r. 7/97)	12/97
(12)(a)	DR-416	Physician's Certification of Total and Permanent Disability (r. xx/12 12/94)	12/94
(b)	DR-416B	Optometrist's Certification of Total and Permanent Disability (r. xx/12)	
(13)(a)		No change.	
(b)	DR-418C	Real Property Dedicated in Perpetuity for Conservation Exemption Application (n. xx/12)	
(c)	DR-418CR	Real Property Dedicated in Perpetuity for Conservation Exemption Renewal (n. 11/10)	
(d)(b)	DR-418E	Enterprise Zone Ad Valorem Property Tax Exemption - Child Care Facility Application For Exemption Certification (n. 12/99)	1/00
(14)(a)(e)	DR-420	Certification of Taxable Value (r. xx/12 1/95)	12/94
(b)	DR-420DEBT	Certification of Voted Debt Millage (r. 6/10)	
(c)	DR-420FC	Distribution to Fiscally Constrained Counties Application (r. 8/10)	
(d)	DR-420MM	Maximum Millage Levy Calculation, Final Disclosure (r. xx/12)	
(e)	DR-420MM-P	Maximum Millage Levy Calculation, Preliminary Disclosure (r. xx/12)	
(f)(d)	DR-420S	Certification of School Taxable Value (r. 5/11 1/03)	1/03
(g)	DR-420TIF	Tax Increment Adjustment Worksheet (r. 6/10)	
(15)(14)(a)	DR-421	Certification for Taxing Authorities That Do Not Levy Ad Valorem Taxes (r. xx/12)	7/93
(b)	DR-422	Certification of Final Taxable Value (r. 5/11 1/03)	1/03
(c)	DR-422DEBT	Certification of Final Voted Debt Millage (r. 5/11)	
(d)	DR-428B	Maximum Millage Calculation, General Information for Fiscal Year 2009-10 and Thereafter (r. 5/11)	
(e)	DR-430	Change of Ownership or Control Non-Homestead Property (n. xx/12)	
(f)	DR-430M	Change of Ownership or Control, Multiple Parcels (n. xx/12)	
(g)	DR-431	Voluntary Disclosure of Property (r. xx/12)	

(16) (15)	DR-452	Form for Return of Real Property in Attempt to Establish Adverse Possession Without Color of Title (r. 2/12 8/93)	<u>12/94</u>
(17) (16) (a)	DR-453	Notice of Tax Lien for Homestead Exemption and/or Limitation Exclusion (r. 12/05)	1/06
(b) through (c)		No change.	
(18) (17)	DR-456	Notice of New, Rebuilt, or Expanded Property	9/84
(19) (18)	DR-462	Application for Refund of Ad Valorem Taxes (r. 12/11 12/02)	<u>1/03</u>
(19)	Reserved		
(20) (a)	DR-470	Railroad Tax Return (r. 5/93)	5/93
(b)	DR-470A	Annual Report of Railroad Company <u>Annual Report and Return to the State of Florida (r. 12/11 1/95)</u>	<u>12/95</u>
(21)(a)		No change.	
(b)	DR-474	Notice of Proposed Property Taxes (r. xx/12 12/04)	<u>12/04</u>
(c)	DR-474M	Amended Notice of Proposed Property Taxes (r. xx/12 8/95)	<u>12/95</u>
(d)	DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. xx/12 12/04)	<u>12/04</u>
(22) through (23)(a)		No change.	
(23) (b)	DR-482C	Land Used for Conservation, Assessment Application (r. xx/12)	
(c)	DR-482CR	<u>Land Used for Conservation, Assessment Reapplication (r. xx/12)</u>	
(d) (b)	DR-482HW	Application and Return for High-Water Recharge Classification of Lands (n. 12/99)	1/00
(e) (e)	DR-482HP	Application and Return for Classification/Exemption of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. 12/04)	12/04
(f) (d)	DR-483	Request for Extension of the Time for Completion of Assessment Roll(s)	8/89
(24)	DR-484	Budget Form for <u>Property</u> Appraisers (r. xx/12 n. 2/90)	<u>2/90</u>
(25)		485 Series:	
(a)	DR-485M	Notice of Decision of The Value Adjustment Board (r. xx/12 n. 12/09)	<u>3/10</u>
(b)		No change.	
(c)	DR-485V	Decision of The Value Adjustment Board – Value Petition (r. xx/12 n. 12/09)	<u>3/10</u>
(d)	DR-485WCN	Value Adjustment Board – Clerk’s Notice (r. xx/12 (n. 12/09))	<u>3/10</u>
(e)		No change.	
(f)	DR-485XC	Decision of The Value Adjustment Board – Exemption, Classification, or Assessment Difference Transfer Petition (r. xx/12 n. 12/09)	<u>3/10</u>
(26)		486 Series:	
(a)		No change.	
(b)	DR-486DP	Petition to The Value Adjustment Board – Tax Deferral or Penalties – Request for Hearing (r. xx/12 12/09)	<u>3/10</u>
(c) through (d)		No change.	
(e)	DR-487	Certification of Compliance (r. 5/11 12/99)	<u>12/96</u>
(f)	DR-487V	<u>Vote Record for Final Adoption of Millage Levy (r. 6/10)</u>	
(27)(a) through (b)		No change.	
(28)	DR-489	Tax Roll Certification (r. 6/11 3/84)	<u>3/84</u>
(29)(a)	DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. 1/04)	<u>12/04</u>
(b)	DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. 1/04)	<u>12/04</u>
(c)	DR-489EB	<u>The (tax year) Ad Valorem Assessment Rolls Exemption Breakdown of _____ County, Florida (r. 6/11 1/04)</u>	<u>12/04</u>
(b) (d)	DR-489PC	The Value and Number of Parcels on the Real Property <u>Countywide</u> Assessment Roll by Category (r. 6/11 5/85)	<u>5/85</u>
(c)	DR-489V	<u>The (tax year) Preliminary Recapitulation of the Ad Valorem Assessment Roll, Value Data (n. 6/11)</u>	<u>_____</u>
(30)(a)	DR-490	Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser (r. xx/12 12/09)	<u>3/10</u>
(b)		No change.	
(31)(a)	DR-492	Return of Pollution Control Devices for Ad Valorem Tax Purposes (r. xx/12 8/83)	<u>8/83</u>
(b)	DR-493	Adjustments Made to Recorded Selling Prices or Fair Market Value in Arriving at Assessed Value Summary of Adjustments to Tax Roll (r. xx/12 6/92)	<u>6/92</u>
(32)		No change.	
(33)	DR-498AR	Automatic Renewal or Removal Receipt for Total or Partial Tax Exemption (r. 1/93)	1/93
(34)(a) through (b)		No change.	

(c)	DR-499AR	<u>Automatic Renewal or Removal for of Agricultural or High-Water Recharge Classification of Lands (r. 12/06)</u>	10/07
(d) through (36)	(35) DR-500	No change. Renewal Application for Homestead and Related Tax Exemptions (r. xx/12 4/93)	<u>1/93</u>
(37)	DR-500AR	<u>Automatic Renewal or Removal for Homestead and Related Tax Exemption (r. 1/93)</u>	1/93
(38)		No change.	
(39)(a)	DR-501	<u>Original Application for Homestead and Related Ad Valorem Tax Exemptions (r. xx/12 42/06)</u>	<u>10/07</u>
(b)	DR-501A	Statement of Gross Income (r. xx/12 6/94)	<u>12/95</u>
(c)	DR-501CC	Ad Valorem Tax Exemption Application Proprietary Continuing Care Facility (r. xx/12 n. 9/98)	<u>12/98</u>
(d)	DR-501DV	<u>Application for Homestead Tax Discount, Veterans Age 65 and Older with a Combat-Related Disability (n. xx/12)</u>	
(e)	DR-501M DR-501SC	<u>Deployed Military Exemption Application (r. 11/11)</u> Sworn Statement of Adjusted Gross Income of Household and Return (12/04)	<u>(6/11)</u> <u>12/04</u>
(f)(e)	DR-501PGP	Original Application for Assessment Reduction for Living Quarters of Parents or Grandparents (r. xx/12 n. 12/03)	<u>1/04</u>
(g)	<u>DR-501RVSH</u>	<u>Certificate for Transfer of Homestead Assessment Difference (r. 12/08)</u>	
(h)	<u>DR-501SC</u>	<u>Adjusted Gross Household Income Sworn Statement and Return (r. xx/12)</u>	
(i)	<u>DR-501T</u>	<u>Transfer of Homestead Assessment Difference, Attachment to Original Application for Homestead Tax Exemption (r. 12/08)</u>	
(40)(a)	DR-501S	<u>Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/05)</u>	<u>1/06</u>
(b)	DR-502	Tax Collector's Recapitulation of the Tax Roll (r. 6/85)	6/85
(b)(e)	DR-503	Tax Collector's Recapitulation of the Non-Ad Valorem Assessment Levy (r. 12/05)	1/06
(c)	<u>DR-503NA</u>	<u>Tax Collector's Report on Non-Ad Valorem Assessments Collected on the Notice of Taxes (r. 6/09)</u>	
(41)(a)		No change.	
(b)	DR-504S	<u>Affidavit for Ad Valorem Tax Exemption (r. 12/93)</u>	<u>12/94</u>
(e)	DR-504CS	<u>Ad Valorem Tax Exemption Application Charter School Facilities (n. 12/00)</u>	<u>1/01</u>
(c)(d)	DR-504HA	Ad Valorem Tax Exemption Application and Return – Homes for the Aged (n. 11/01)	12/01
(d)	<u>DR-504S</u>	<u>Individual Affidavit for Ad Valorem Tax Exemption-Homes for the Aged (r. xx/12)</u>	
(42) through (46)(a)	(45)(b) DR-510	No change. Form for Cancellation or Correction of Tax Sale Certificate (r. 12/11 7/93)	<u>11/87</u>
(46)(b)	Through (48)(b)	No change.	
(48)(c)	DR-516	<u>Application for Certified Florida Appraiser or Certified Florida Evaluator (r. 3/08 12/96)</u>	<u>12/97</u>
(d)	<u>DR-516E</u>	<u>Application for Certified Florida Evaluator (r. 3/08)</u>	
(e)(d)	DR-517	<u>Tax Collector's Warrant for Collecting Personal Property Taxes (r. 8/95)</u>	<u>12/95</u>
(49) through (b)	(51)(a) DR-528	No change. Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments (example only) (r. xx/12)	<u>2/91</u>
(c) through (b)	(52)(a) DR-534	No change. Notice and Application for Alternative Payment of 20XX 2005 Property Taxes (r. 12/11 12/04)	<u>12/04</u>
(53) through (55)	(54) DR-546	No change. Agricultural Income and Information Form (r. xx/12 1/94)	<u>12/94</u>
(56)(a)	<u>DR-570</u>	<u>Application for Homestead Tax Deferral (r. 10/11)</u>	
(b)	Reserved <u>DR-570AH</u>	<u>Application for Affordable Housing Property Tax Deferral (n. 10/11)</u>	
(c)	<u>DR-570WF</u>	<u>Application for Recreational and Commercial Working Waterfronts Property Tax Deferral (r. 10/11)</u>	
(57)(a)	DR-571A	Disapproval of Application for Tax Deferral-Homestead, Affordable Rental Housing, or Working Waterfront (r. xx/12 n. 12/09)	<u>3/10</u>
(b)	DR-584	<u>Budget Form for Tax Collectors Budget Schedule (r. xx/12 2/94)</u>	<u>12/94</u>
(c)	DR-585	<u>Minimum Standards Contract (n. 8/77)</u>	<u>8/77</u>
(58)		No change.	

(59) DR-591 Application for Certified Cadastralist of Florida
(r. 3/08) (n. 12/96) 12/96
(60) through (61)(b) No change.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.155A, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, 10-2-07, 3-30-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-17.004	Taxing Authority’s Certification of Compliance; Notification by Department
12D-17.005	Taxing Authorities in Violation of Section 200.065, Florida Statutes
12D-17.006	Notification of Noncompliance; Withholding and Escrow of State Revenue Sharing Funds

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-17.004, F.A.C., is to implement the provisions of Chapter 2008-173, Laws of Florida, replacing corresponding portions of Emergency Rule 12DER11-11. This proposed amendment will incorporate new Truth in Millage (TRIM) forms for the property appraisers to apply to the TRIM process. The purpose of the proposed amendment to Rule 12D-17.005, F.A.C., is to implement the provisions of Chapter 2008-173, L.O.F., to describe circumstances where taxes exceed the maximum total county or municipal ad valorem taxes according to Section 200.065(5), Florida Statutes, replacing corresponding portions of Emergency Rule

12DER11-11. The purpose of the proposed amendment to Rule 12D-17.006, F.A.C. is to implement provisions of Chapter 2008-173, L.O.F., to describe the process of notification of noncompliance when a taxing authority is in violation of s. 200.065(5), F.S., and to incorporate the procedure to be used by the taxing authority when taxes exceed the maximum total county or municipal ad valorem taxes, replacing corresponding portions of Emergency Rule 12DER11-11.

SUMMARY: The proposed amendment to Rule 12D-17.004, F.A.C., implements the Truth in Millage (TRIM) forms and instructions on using the forms. The proposed amendment to Rule 12D-17.005, F.A.C., adds the consequence of forfeiting the half-cent sales tax revenues if the taxing authority is in violation of Subsection 200.065(5), F.S. The proposed amendment to Rule 12D-17.006, F.A.C., incorporates assistance to taxing authorities that violate Subsection 200.065(5), F.S. and implements remedies to cure the noncompliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 213.06(1), 218.26(1) FS.

LAW IMPLEMENTED: 195.002, 200.001, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-17.004 Taxing Authority's Certification of Compliance; Notification by Department.

(1) If an ordinance or resolution establishing a property tax millage levy is adopted, ~~the taxing authority must file then within 30 days following its adoption the taxing authority shall file with the Department~~, Form DR-487, Certification of Compliance with the Department within 30 days following the adoption of the levy with Chapter 200, Florida Statutes.

(2)(a) For taxing authorities other than school districts, ~~the such~~ certification of compliance shall be made by filing the following items with the Department ~~the following items~~:

1. A copy of the Certification of Taxable Value, Form DR-420.
2. A copy of the ordinance or resolution adopting the millage rate.
3. A copy of the ordinance or resolution adopting the budget.

4. The entire page from the newspaper containing the final budget hearing advertisement, which is the notice of proposed tax increase advertisement required by Sections 200.065(2)(d) and (3)(a), Florida Statutes, or the notice of budget hearing advertisement required by Sections 200.065(2)(d) and (3)(b), Florida Statutes, whichever is appropriate, and which is required to be adjacent to the budget summary advertisement. For multicounty taxing authorities, the entire page from the newspaper containing the notice of proposed tax increase advertisement or notice of tax increase advertisement required by Sections 200.065(2)(d), (3)(a), (3)(g), and ~~(9)(8)~~, Florida

Statutes, or the notice of budget hearing advertisement required by Sections 200.065(2)(d), (3)(b), (3)(e), and (8), Florida Statutes, and which is required to be adjacent to the budget summary advertisement.

5. The entire page from the newspaper containing the budget summary advertisement required by Sections 200.065(3)(l) and 129.03(3)(b), Florida Statutes, adjacent to the advertisement required by subparagraph 4. of this rule subsection above.

6. Proof(s) of publication from the newspaper of the notice of tax increase or notice of proposed tax increase advertisement or notice of budget hearing advertisement, and the adjacent budget summary advertisement. In the event notice is not published but is mailed according pursuant to Section 200.065(3)(f), Florida Statutes, a taxing authority must ~~may~~ submit a certification of mailing from the post office with a copy of the notices.

7. For counties only, a copy of the Notice of Tax Impact of the Value Adjustment Board advertisement described in Section 194.037, Florida Statutes and Rule 12D-9.038, F.A.C. (the entire page from the newspaper).

8. For counties only, proof of publication of the notice of tax impact of the value adjustment board advertisement. If the value adjustment board completes its hearings after the deadline for certification under Section 200.068, Florida Statutes, the county shall submit this item to the Department within 30 days from the completion of the hearings.

9. A copy of the Certification of Final Taxable Value, Form DR-422, if the property appraiser has issued one as of this date. If the taxing authority has not received this certification, then the taxing authority shall file the remainder of the certification package with the Department within the deadline and shall file the certification Form DR-422 as soon as it is received.

10. Form DR-420TIF, Tax Increment Adjustment Worksheet.

11. Form DR-420DEBT, Certification of Voted Debt Millage, if used.

12. Form DR-420MM, Maximum Millage Levy Calculation – Final Disclosure, including the maximum millage rates calculated pursuant to Section 200.065(5), Florida Statutes, together with values and calculations on which the maximum millage rates are based.

13. Form DR-487V, Vote Record for Final Adoption of Millage Levy.

14. Form DR-422DEBT, Certification of Final Voted Debt Millage, if used.

These forms are incorporated by reference in Rule 12D-16.002, F.A.C.

~~15.10.~~ Certification of Compliance, Form DR-487.

(b) For school districts, ~~the such~~ certification of compliance shall be made by filing the following items with the Department ~~the following items~~:

1. A copy of the Certification of Taxable Value, Form DR-420S.

2. A copy of Department of Education Form ESE-524.

3. A copy of Page 1 of the District Summary Page, Department of Education Form ESE-139.

4. The tentative budget hearing advertisement, which is the notice of proposed tax increase advertisement required by Sections 200.065(2)(f) and (3)(c) or (3)(d), Florida Statutes, or the notice of budget hearing advertisement required by Sections 200.065(2)(f) and (3)(e), Florida Statutes, whichever is appropriate, and which is required to be adjacent to the budget summary advertisement (the entire page from the newspaper).

5. Proof of publication from the newspaper of the tentative budget hearing advertisement.

6. The budget summary advertisement required by Sections 200.065(3)(1) and 129.03(3)(b), Florida Statutes, adjacent to the advertisement required by subparagraph 4. of this rule subsection above (the entire page from the newspaper).

7. Proof(s) of publication from the newspaper of the notice of proposed tax increase advertisement or notice of budget hearing advertisement, and the budget summary advertisement. In the event notice is not published but is mailed according pursuant to Section 200.065(3)(f), Florida Statutes, a school district must may submit a certification of mailing from the post office with a copy of the notices.

8. The Notice of Tax for School Capital Outlay advertisement, required by Section 200.069(10)(a) 200.065(9)(a), Florida Statutes, (the entire page from the newspaper).

9. Proof of publication from the newspaper of the Notice of Tax for School Capital Outlay advertisement.

10. Copy of the Certification of Final Taxable Value, Form DR-422, if the property appraiser has issued one as of this date. If the school district has not received this certification, then the remainder of the certification package shall be filed with the Department within the deadline and the certification shall be filed as soon as it is received.

11. A copy of Certification of Voted Debt Millage, Form DR-420DEBT, if used.

12. A copy of Department of Education Form ESE-524A, Critical Needs Millage Resolution, if used.

13. An Amended Notice of Tax for School Capital Outlay advertisement, required by Section 200.065(10)(b), Florida Statutes, (the entire page from the newspaper).

14. Proof of publication from the newspaper of the Amended Notice of Tax for School Capital Outlay advertisement.

15. Copy of the Certification of Final Voted Debt Millage, Form DR-422DEBT, if used. These forms are incorporated by reference in Rule 12D-16.002, F.A.C.

16.+- Certification of Compliance, Form DR-487.

(3) through (4) No change.

Rulemaking Specific Authority 195.027(1), 213.06(1), 218.26(1) FS. Law Implemented 195.002, 200.001, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 FS. History--New 6-20-91, Amended 12-25-96, 12-31-98,_____.

12D-17.005 Taxing Authorities in Violation of Section 200.065, Florida Statutes.

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

(3) If any county or municipality, dependent special district of the county or municipality, or municipal service taxing unit of the county is in violation of Subsection 200.065(5), Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality, and any municipal service taxing unit and/or dependent district, must remedy the violation. If not remedied, the county or municipality will be subject to forfeiture of the half-cent sales tax revenues as described in Section 200.065(13), Florida Statutes and this Rule Chapter.

Rulemaking Specific Authority 195.027(1), 213.06(1), 218.26(1) FS. Law Implemented 195.002, 200.001, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 FS. History--New 6-20-91, Amended 4-18-94, 12-25-96, 12-31-98,_____.

12D-17.006 Notification of Noncompliance; Withholding and Escrow of State Revenue Sharing Funds.

(1) through (4) No change.

(5) If any county or municipality, dependent special district of the county or municipality, or municipal service taxing unit of the county is in violation of Section 200.065(5), Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality, and any municipal service taxing unit and/or dependent district, shall be subject to notification.

(6)(a) One or more taxing authorities whose taxes are included in the maximum total taxes levied must reduce their millage sufficiently so that the maximum total taxes levied is not exceeded if any county or municipality, dependent special district of the county or municipality, or municipal service taxing unit of the county is in violation of Subsection 200.065(5), Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes. This is an alternative to the county or municipality forfeiting the half-cent sales tax revenues, as provided in Section 200.065(5), Florida Statutes.

(b) The county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance, as described in Sections 218.63(2) and (3), 200.065(13), Florida Statutes, if a taxing authority does not reduce its millage so that the maximum total taxes levied is not exceeded, or if any

county or municipality, dependent special district of the county or municipality, or municipal service taxing unit of the county has not remedied the noncompliance or recertified compliance with Chapter 200 as provided in Section 200.065(13)(e), Florida Statutes.

Rulemaking Specific Authority 195.027(1), 213.06(1), 218.26(1) FS. Law Implemented 195.002, 200.001, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 FS. History—New 6-20-91, Amended 12-25-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-18.012 RULE TITLE: Tax Collector Non-Ad Valorem Assessment Roll Reports

PURPOSE AND EFFECT: The purpose of the proposed Rule 12D-18.012, F.A.C., is to implement the provisions of Chapter 2008-173, Laws of Florida, replacing Emergency Rule 12DER11-04. The purpose of this rule is to outline the process for tax collectors to compile and provide the non-ad valorem reports to the Department under Section 197.3632(5)(b), F.S. The effect of this rule is to provide a consistent process to file these reports.

SUMMARY: The proposed creation of Rule 12D-18.012, F.A.C., is to implement instructions and Form DR-503NA to be reported by tax collectors on non-ad valorem assessments collected on the property tax bills.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic

Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 195.027(1), 197.3632(11), 197.3635, 213.06(1) FS.

LAW IMPLEMENTED: 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 FS.

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

DATE AND TIME: May 1, 2012, 10:00 a.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 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 from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department’s site at: <http://dor.myflorida.com/dor/property/legislation>.

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: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-18.012 Tax Collector Non-Ad Valorem Assessment Roll Reports.

(1) Each county tax collector must provide a report to the Department of Revenue which includes information about each non-ad valorem assessment collected using the notice of taxes and referenced in Section 197.3632(5)(b), F.S. The following information must be included in the report:

(a) The name of the local government levying the non-ad valorem assessment and a code indicating whether the local government is a county, municipality or independent special district.

(b) The name of the non-ad valorem levy as included on the tax notice.

(c) A short description of the function of the non-ad valorem levy and a code indicating the nature of the function.

(d) The basis of the levy, the unit of measurement against which the rate is applied to determine the non-ad valorem assessment, and a code indicating type of basis.

(e) The rate for each unit or basis of the non-ad valorem levy.

(f) The number of parcels the non-ad valorem assessment is levied on.

(g) The total dollar amount of the non-ad valorem assessment levied.

(h) An indication of whether or not the local government levying the non-ad valorem assessment also levies an ad valorem tax.

(2) The tax collector must file the report with the Department of Revenue by December 15 each year. The report must be filed on Form DR-503NA (incorporated by reference in Rule 12D-16.002, F.A.C.) The tax collector must mail the report to the Florida Department of Revenue, Property Tax Oversight: Non-Ad Valorem Assessments, Post Office Box 3000, Tallahassee, Florida 32315-3000.

Rulemaking Authority 195.027(1), 197.3632(11), 213.06(1) FS. Law Implemented 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011 (Vol. 37, No. 26, pp. 1785-1792) Florida Administrative Weekly

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-5.007	Certificates of Competency and License Registrations, Initial, Renewal, General Liability Insurance Coverage

PURPOSE AND EFFECT: The purpose and effect of the rule development is to address comments submitted by the Office of Fiscal Accountability and Regulatory Reform.

SUMMARY: This proposed rule amendment removes language relating to license validity and that duplicates statute.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 399.01, 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.01(12), 399.01(13), 399.01(14), 399.01(16), 399.17 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Michelle.Comingore@dbpr.state.fl.us, Telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.007 Certificates of Competency and License Registrations, Initial, Renewal; General Liability Insurance Coverage.

~~(1)(a) Each initial certificate of competency and each initial registration for a certified elevator technician, certified elevator inspector, or elevator company license shall be valid for the remainder of the calendar year.~~

~~(b) Except as otherwise specified in this rule, renewal certificates of competency and annual licenses shall be valid January 1 through December 31. All certificates and licenses, as specified in this section, expire on December 31 at 11:59 p.m. of each year unless renewed by the division.~~

(b)(e) A renewal application for a certificate of competency, including fee payment, or an annual license registration postmarked on or after January 1 will be deemed delinquent. A certificate of competency or annual license registration resulting from a delinquent submission shall be valid from the date renewed or issued by the division through December 31 each year.

(c)(d) Expired certificates and licenses are not valid and the certificate holder or licensee is not authorized to perform any work under an expired certificate or license until the division approves and completes a renewal.

(2) No change.

(3) Certified Elevator Technician. ~~Each natural person desiring to perform the duties of a certified elevator technician must annually register with and be licensed by the division before constructing, installing, maintaining, or repairing an elevator.~~

(a) through (b) No change.

(4) Certified Elevator Inspectors. ~~Each person desiring to perform the duties of a certified elevator inspector must annually register with and be licensed by the division before constructing, installing, inspecting, maintaining, or repairing an elevator.~~

(a) through (d) No change.

(5) Registered Elevator Companies. ~~Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must annually register with and be licensed by the division.~~

(a) through (c) No change.

(6) through (7) No change.

Rulemaking Authority 399.01, 399.02, 399.10, FS. Law Implemented 399.01(12), 399.01(13), 399.01(14), 399.01(16), 399.17 FS. History—New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94, 8-21-06, 1-3-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.009

RULE TITLE: Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS)

PURPOSE AND EFFECT: The Board Proposes the rule amendment to make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUMMARY: The proposed rule amendment will make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.009 Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS)

(1) through (2) No change.

(3) Courses may be presented as live presentation courses, ~~or~~ home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive a certificate of completion.

~~Rulemaking Specific~~ Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History–New 12-31-89, Amended 10-17-90, 3-22-92, Formerly 21C-16.009, Amended 11-30-93, 9-15-94, 12-22-94, 5-3-95, 6-29-95, 12-12-95, 5-1-96, 12-9-97, 4-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers’ Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers’ Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE NO.: 61G3-16.0091
RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

PURPOSE AND EFFECT: The Board Proposes the rule amendment to make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUMMARY: The proposed rule amendment will make continuing education instruction more easily accessible to licensees by making courses available in video format.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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, Barbers’ Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0091 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

(1) through (2) No change.

(3) Courses may be presented as live presentation courses, ~~or~~ home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive continuing education credit.

(4) through (7) No change

~~Rulemaking Specific~~ Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History–New 5-10-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers’ Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers’ Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-29.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the definition of “facial.”

SUMMARY: The rule amendment further clarifies the definition of “facial.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 477.016 FS.

LAW IMPLEMENTED: 477.013, 477.0135, 477.0201 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, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G5-29.001 Definitions.
- (1) through (2) No change.
- (3) “Facials” means;

(a) ~~The the~~ massaging or treating of the face, ~~neck, skin~~ or scalp with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products, which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face, ~~and neck, and scalp~~ and to color and beautify the face, ~~and neck, and scalp~~ or enhance their features; ~~and, skin care services for the body.~~

(b) Skin care services for the body as defined in Section 477.013(13), F.S.

Facials shall be performed only by individuals licensed pursuant to Sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 1005, F.S., or salons licensed pursuant to Section 477.025, F.S.

(4) through (6) No change.

Rulemaking Specific Authority 477.016 FS. Law Implemented 477.013, 477.0135, 477.0201 FS. History—New 11-7-85, Amended 1-5-86, 6-18-86, 10-26-87, 1-10-90, 8-20-90, 5-11-92, Formerly 21F-29.001, Amended 9-15-98, 4-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the disciplinary guidelines for a violation of Section 458.331(1)(ss), F.S.

SUMMARY: The proposed rule amendment sets forth the disciplinary guidelines for a violation of Section 458.331(1)(ss), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY			
VIOLATION (a) through (qqq) No change.	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
<u>(rrr) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276, F.S. (458.331(1)(ss), F.S.)</u>	<u>(rrr) From probation to revocation and an administrative fine of \$5,000.00 to \$10,000.00.</u>	<u>(rrr) From suspension to be followed by a term of probation to revocation and an administrative fine of \$7,500.00 to \$10,000.00.</u>	

(3) through (7) No change.

Rulemaking Authority 456.079, 458.309, 458.331(5) FS. Law Implemented 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07, 2-18-09, 12-22-09, 7-27-10, 6-21-11, 12-27-11, _____.

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: February 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO. RULE TITLE:

64B8-9.009 Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the conditions under which physicians do not need to stock dantrolene in office surgery settings.

SUMMARY: The proposed rule amendment sets forth the conditions under which physicians do not need to stock dantrolene in office surgery settings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.351 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) through (5) No change.

(6) Level III Office Surgery.

(a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. through 2. No change.

3. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office. The facility does not have to keep 36 ampules of dantrolene on site if all the following conditions are met:

I. The patient is at least 21 years of age and has a negative family history of malignant hyperthermia (MH);

II. The patient has previously been under general anesthesia without having an MH reaction;

III. The facility does not have an inhalation anesthetic machine on premises; and

IV. Succinylcholine, halothane, enflurane, isoflurane, desflurane, sevoflurane, ether, methoxyflurane, and cyclopropane, all MH triggering agents, are not used.

b. through f. No change.

4. No change.

Rulemaking Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(v), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0092

RULE TITLE: Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the Institute of Medical Quality as a board-approved accrediting organization as their accreditation has expired and they have not sought re-accreditation.

SUMMARY: The Board approved the Institute of Medical Quality as a board-approved accrediting organization in 2010 for a period ending July 14, 2011. The period of accreditation has lapsed and it is appropriate to remove this entity from the Board's rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

~~(7) Board approved accrediting organizations include the Institute of Medical Quality (IMQ), approved February 6, 2010. IMQ is approved, effective July 15, 2010 through July 14, 2011.~~

(8) through (10) renumbered (7) through (9) No change.

Rulemaking Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02, 12-28-04, 1-30-07, 7-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0131
 RULE TITLE: Training Requirements for Physicians Practicing in Pain Management Clinics

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the rule by removing the time frame for completion of the 40 hour course.

SUMMARY: The proposed rule amendment removes the time frame for the completion of the 40 hour course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.3265(4)(d) FS.

LAW IMPLEMENTED: 458.3265(4)(d) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0131 Training Requirements for Physicians Practicing in Pain Management Clinics.

Effective July 1, 2012, physicians who have not met the qualifications set forth in subsections (1) through (6), below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by ACGME. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain-management clinics registered pursuant to Section 458.3265, F.S., must meet one of the following qualifications:

(1) through (5) No change.

(6) Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and ~~within six months of the effective date of this rule~~, attendance and successful completion of 40

hours of in-person, live-participatory AMA Category I CME courses in pain management that address all the following subject areas:

- (a) through (l) No change.
- (7) No change.

Rulemaking Authority 458.3265(4)(d) FS. Law Implemented 458.3265(4)(d) FS. History—New 5-17-11, 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: February 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-9.007 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is outdated and unnecessary.

SUMMARY: This rule is outdated and unnecessary and is therefore being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 120.53, 459.005 FS.

LAW IMPLEMENTED: 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:

64B15-9.007 Forms and Instructions.

Specific Authority 120.53, 459.005 FS. Law Implemented 459.022 FS. History—New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Repealed.

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: February 17, 2012

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.011 RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and

that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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, 947.005(9), 948.001(6) FS.

LAW IMPLEMENTED: 947.005(9), 948.001(6) 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:

64B15-14.011 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

Specific Authority 459.005, 947.005(9), 948.001(6) FS. Law Implemented 947.005(9), 948.001(6) FS. History—New 6-21-07, Repealed _____.

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: February 17, 2012

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language to Disciplinary Guidelines accordingly.

SUMMARY: Update language accordingly to Disciplinary Guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

(1) No change.

(a) through (ff) No change.

(gg) Section 456.072(1)(II), F.S., Being convicted of, or entering a plea of guilty or nolo contendere to a crime related to health care fraud. If the crime is a felony under Chapters 409 and 817, F.S., 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 the minimum penalty shall be a ~~minimum~~ fine of \$10,000 ~~\$1,000~~ and revocation. Otherwise the penalty range is from a minimum of a reprimand, six months probation and a fine of \$10,000 ~~\$5,000~~ to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

(2) No change.

(a) through (k) No change.

Rulemaking Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, 2-5-07, 4-5-07, 6-27-07, 6-30-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2011

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.002
RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: Board proposes the rule to amend the revised language for members on probable cause panel.

SUMMARY: Rule is being amended to clarify composition of the probable cause panel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) 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 Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-7.002 Probable Cause Determination.

(1) No change.

(2) The Probable Cause Panel shall be composed of at least two members. One member of said panel may be a former Board member. One member of the panel shall be a current or former consumer member if one is available, is willing to serve, and is authorized to do so by the Board Chair ~~consumer member or a former consumer member~~. At least one member of the panel shall be a current Board member.

(3) No change.

Rulemaking Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.002, 61F14-7.002, 59BB-7.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech – Language Pathology and Audiology
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Speech – Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.204
RULE TITLE: Rights and Responsibilities

PURPOSE AND EFFECT: The proposed rule amends the Rights and Responsibilities, CF-ES 2064, and incorporates it by reference. Included in this proposed rule amendment are wording changes to improve the overall content of the rule and technical changes of a non-substantive nature.

SUMMARY: The proposed rule amends language and revises the Rights and Responsibilities, CF-ES 2064.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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: 409.212, 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS.

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

DATE AND TIME: May 2, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)717-4113

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.204 Rights and Responsibilities.

(1) An individual ~~Any person~~ has the right to apply for assistance, to have his/her ~~eligibility determined~~, and if found eligible, to receive benefits. The applicant for or recipient of public assistance must assume the responsibility of furnishing information, all necessary facts and documentation and verification needed ~~to establish eligibility, advise the Department of any changes in his/her circumstances which might affect eligibility and/or the amount of the public~~

~~assistance benefit, and to provide the department with any channel of information concerning his/her affairs that may be determined necessary.~~ If the information, ~~or documentation or verification~~ is difficult for the individual person to obtain, the Department must provide assistance in obtaining it ~~the information or documentation~~ when requested or when it appears necessary.

(2) The individual has the right of confidentiality in accordance with subsection (3) below ~~of this rule~~, to receive prompt action, equitable treatment, notification of any case action taken and to receive a fair hearing due to an appeal of case action. The Department provides the individual with form CF-ES-2064, Your Rights and Responsibilities, CF-ES 2064, 03/2012, incorporated by reference, to explain June 2007, (incorporated by reference) explains these and other rights and responsibilities. This form is given to each payee individual receiving or applying for assistance.

(3) All individuals have the right to a confidential relationship with the Department pursuant to the following federal regulations, federal statutes and Florida Statutes: for the Food Assistance Program, 7 U.S.C. § 2020(e)(8) Title 7 USC s. 2020(e)(8) (incorporated by reference), 7 C.F.R. § 272.1(c) 7 CFR s. 272.1(c) (incorporated by reference), Section 414.295, F.S., Section 414.31, F.S.; for the Medicaid Program, 42 U.S.C. § 1396a(a)(7) Title 42 USC s. 1396a(a)(7) (incorporated by reference), 42 C.F.R. §§ 431.300-431.306 42 CFR ss. 431.300-431.306 (incorporated by reference), Section 409.902, F.S., Section 414.295, F.S.; and, for the Ceash Assistance Program, 42 U.S.C. § 602(a)(1)(A)(iv) Title 42 USC s. 602(a)(1)(A)(iv) (incorporated by reference), 45 C.F.R. § 205.50 45 CFR s. 205.50 (incorporated by reference), and Sections 414.106 and 414.295, F.S. Information obtained by the Department is considered confidential state agency material and is not subject to the Freedom of Information Act.

(4) Fair hearings are conducted in accordance with the Department's hearing procedures in Chapter 65-2, Part VI, F.A.C., and the Uniform Rules of Procedure set forth in Chapter 28-106, Parts I and II, F.A.C., with the exception of Rules 28-106.104, 28-106.105, 28-106.106, 28-106.107, 28-106.109, 28-106.111, and 28-106.201, F.A.C. The Office of Appeal Hearings Hearing Request, CF-ES 1007, 10/2005, incorporated by reference, can be ~~is~~ used to request fair hearings. An individual can also ~~Additionally, clients may request a fair hearing hearings~~ either orally or in writing without using the form.

(5) Copies of materials forms incorporated by reference are available in this rule ~~may be obtained~~ from the Economic Self-Sufficiency Headquarters Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700, or on the Department's website at http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx.

Rulemaking Specific Authority 409.212, 409.919, 410.033, 414.45 FS. Law Implemented 409.212, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS. History—New 4-9-92, Amended 11-22-93, Formerly 10C-1.204, Amended 12-29-98, 5-9-02, 3-9-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jeri Flora
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.707
 RULE TITLE: Family-Related Medicaid Income and Resource Criteria

PURPOSE AND EFFECT: The proposed rule amends the requirement to verify a loss or reduction of income which occurred within the 60 days preceding an application date to the requirement to verify a loss or reduction of income which occurred within the month of application. Included in this proposed rule amendment are some wording changes improving the overall content of the rule and technical changes of a non-substantive nature.

SUMMARY: The proposed rule amends when loss or reduction of income must be verified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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: 409.919 FS.
 LAW IMPLEMENTED: 409.903, 409.919 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: May 4, 2012, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)717-4113

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) Family-related Medicaid income is based on the definitions of income, resources (assets), verification and documentation requirements as follows.

- (a) through (d) No change.
- (e) Verification and Documentation.

1. Except for Transitional Medicaid, and when reporting changes in income at times other than the twelve month complete Medicaid review, income must be verified or documented by the employer as a condition of eligibility for family-related Medicaid. Note that separate verification and documentation requirements for KidCare are stated in subsection ~~65A-1.705(8)~~ ~~65A-1.705(5)~~, F.A.C. Income will be verified through a telephone call to the employer or source of income or by documents such as wage stubs or correspondence signed by the employer or employer’s authorized representative. Income from self employment must be verified. The applicant or recipient must make all business records available to the eligibility specialist upon request.

2. A loss or reduction of income which occurred within the ~~month of 60 days preceding an application date~~ and the cause of the reduction or loss must be verified. Availability of replacement income will be discussed with the applicant or recipient. The applicant or recipient must provide the date of expected return to work when on leave, vacation, or furlough.

- 3. No change.

~~(f) Money Management. Money management is the comparison of the income received and major expenses paid by the applicant or recipient. When currently paid expenses~~

~~exceed acknowledged income, possible sources of other income must be determined and verification or documentation of that income must be obtained.~~

~~1. An applicant or recipient shall be required to explain money management during the month of application or redetermination. Eligibility shall not be determined if an individual fails to do so. However, a case shall not be denied or canceled solely because of a person's failure to explain how bills are paid. In the instance of failure to explain how bills are paid, the eligibility specialist shall request the applicant or recipient to furnish additional information. Failure by the applicant or recipient to provide the additional information during the time requested will result in the denial of the case because eligibility cannot be determined, except when the family is eligible for transitional Medicaid.~~

~~2. An applicant or recipient shall also be required to explain money management for the month prior to or after the month of application or redetermination when the paid expenses for that month exceed the income for that month. However, a case shall not be denied or canceled solely because of a person's failure to explain how bills are paid in the month prior to or after the month of application. In the instance of failure to explain how bills are paid for months prior to or after the month of application, the eligibility specialist shall request the applicant or recipient to furnish additional information. Failure by the applicant or recipient to provide the additional information during the time requested will result in the denial of the case because eligibility cannot be determined, except when the family is eligible for transitional Medicaid.~~

(2) No change.

Rulemaking Authority 409.919 FS. Law Implemented 409.903, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 11-23-04, 2-20-07, 5-6-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeri Flora

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-2.023
RULE TITLE: Application and Determination of Eligibility

PURPOSE AND EFFECT: The proposed rule removes the obsolete Request for Assistance, CF-ES 2066, adds the ACCESS Florida Application, CF-ES 2337 and amends the Notice of Case Action, CF-ES 2235. Included in this proposed

rule amendment are some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUMMARY: The proposed rule removes, adds and amends forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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: 409.212(7) FS.

LAW IMPLEMENTED: 409.212 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: May 4, 2012, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)717-4113

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-2.023 Application and Determination of Eligibility.

(1) An Any individual applying wishing to receive an Optional State Supplementation (OSS) payment must submit an ACCESS Florida Application, CF-ES 2337, 11/2011,

~~incorporated by reference in Rule 65A-1.205, F.A.C. a completed, dated, and signed form CF-ES 2066, Request for Assistance, Apr. 01 (incorporated by reference). This form is used as the application for OSS assistance. Once the completed, dated and signed application is received, and date stamped as received by the Department, the application process begins.~~

(2) Applications are processed and the eligibility decision is made in accordance with the standards in Rule 65A-1.205, F.A.C., with the exception that the ACCESS Florida Application Request for Assistance (~~incorporated by reference in this rule~~) is the application form for the OSS Program. The individual is notified notice of the eligibility decision is provided by a Notice of Case Action, form CF-ES 2235, 02/2012, incorporated by reference Aug. 01 (incorporated by reference).

(3) Copies of materials ~~the forms~~ incorporated by reference are available in the rule may be obtained from the Economic Self-Sufficiency Headquarters Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700, or on the Department's website at http://www.def.state.fl.us/dcfforms/Search/DCFFormSearch.aspx.

Rulemaking Specific Authority 409.212(7) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.23, Amended 2-9-88, Formerly 10C-2.023, Amended 12-16-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeri Flora
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.010
RULE TITLE: General Regulations Relating to Licenses, Permits and Other Authorizations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to move the text of Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C in order to clarify that the subject matter addressed in the rule applies to Chapter 68, F.A.C. The text was edited for clarity, but the purpose and effect of the rules are the same.

SUMMARY: Other than a few edits for clarity, the text of Rule 68A-5.004, F.A.C. will be moved in its entirety to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const., 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.408 FS.

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

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, Fl 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.010 General Regulations Relating to Licenses, Permits and Other Authorizations.

(1) Applications for any license, permit or other authorization issued by the Commission shall be denied based upon any of the following grounds:

(a) Submission by the applicant of materially false information in the application or other supporting documentation relating to the license, permit, or other authorization.

(b) Failure of the applicant to meet eligibility requirements or criteria for issuance of the license, permit or other authorization.

(2) Applications for any license, permit or other authorization issued by the Commission may be denied based upon any of the following grounds:

(a) Applicant has received an adjudication other than acquittal or dismissal of any provision of Chapter 379, F.S., or rules of the Commission, or similar laws or rules in another jurisdiction that relate to the subject matter of the application sought.

(b) Submission by the applicant of materially false information in any previously submitted application or supporting documentation relating to the application.

(c) Failure by the applicant to comply with the provisions of subsection (3) in any previously issued license, permit or other authorization. In determining whether denial is appropriate based on the grounds listed in paragraphs (2)(a)-(c), the Commission shall consider the factors enumerated in subsection (5) hereof.

(3) Those persons issued any license, permit or other authorization by the Commission shall:

(a) Maintain complete and correct written records as required by Commission license, permit, other authorization or regulations.

(b) Submit complete and correct reports as required by Commission license, permit, other authorization or regulations.

(c) Open records and facilities of operation under the license, permit, or other authorization, to inspection by an authorized representative of the Commission.

(d) Fully comply with the conditions set forth for operations under a license, permit or other authorization.

(e) Fully comply with Chapter 379, F.S., and rules of the Commission.

(4) Failure to comply with any of the provisions of subsection (3) may result in the suspension, revocation or non-renewal of any license, permit or other authorization. In addition, the Commission may suspend, revoke, or deny renewal of any license, permit or other authorization issued by the Commission if the licensee or permittee defaults on his appearance bond, or receives a disposition other than dismissal or acquittal of a violation of Chapter 379, F.S., or the rules of the Commission, or if such violation is disposed of under Section 921.187, F.S., regardless of adjudication. A plea of nolo contendere shall be considered a violation for purposes of disciplinary action imposed under Chapter 379, F.S., and the rules of the Commission.

(5) Except for the denial of an application pursuant to subsection (1), the following factors shall be considered by the Commission in determining whether to deny, suspend, revoke or deny renewal of any license, permit or other authorization:

(a) The severity of the conduct;

(b) The danger to the public created or occasioned by the conduct;

(c) The existence of prior violations of Chapter 379, F.S., or the rules of the Commission;

(d) The length of time a licensee or permittee has been licensed or permitted;

(e) The effect of denial, suspension, revocation or non-renewal upon the applicant, licensee, or permittee's existing livelihood;

(f) Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations;

(g) Related violations by an applicant, licensee or permittee in another jurisdiction;

(h) The deterrent effect of denial, suspension, revocation or non-renewal;

(i) Any other mitigating or aggravating factors.

(6) The provisions of this rule shall not be construed so as to prohibit, limit, or otherwise affect any civil action or criminal prosecution, so as to limit the ability of the Commission to enter into binding stipulations with affected parties in accordance with Section 120.57(3), F.S., or so as to affect the authority of a court to require forfeiture of any license, permit or other authorization issued pursuant to Chapter 379, F.S., as provided by law.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.408 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bud Vielhauer, General Counsel, 620 S. Meridian Street,
Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Florida Fish and Wildlife Conservation
Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 17, 2012

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-5.004	General Regulations Relating to Licenses, Permits and Other Authorizations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to repeal Rule 68A-5.004, F.A.C., and move the text of Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C in order to clarify that the subject matter addressed in the rule applies to Chapter 68, F.A.C. The text was edited for clarity, but the purpose and effect of the rules are the same.

SUMMARY: Rule 68A-5.004, F.A.C., contains general regulations relating to licenses, permits and other authorizations. Other than a few edits for clarity, the text of Rule 68A-5.004, F.A.C., will be moved in its entirety to a new proposed section – Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const., 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.408 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-5.004 General Regulations Relating to Licenses, Permits and Other Authorizations.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.408 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-5.04, Amended 4-19-90, 6-20-90, 4-20-93, Formerly 39-5.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.006 RULE TITLE: Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation in Rule 68A-9.006, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule amendment transferring this language.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in 68A-9.006, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.006 Wildlife Rehabilitation Permit.

- (1) through (2) No change.
- (3) Application requirements:
 - (a) through (f) No change.

(g) In addition to the above requirements, applications shall be subject to general application requirements and standards of Rule ~~68-1.010 68A-5.004~~, F.A.C.

(4) through (6) No change.

(7) The permit may be subject to revocation, suspension, or non-renewal in accordance with Rule ~~68-1.010 68A-5.004~~, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-6-94, Formerly 39-9.006, Amended 8-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-16.001
RULE TITLE: Migratory Birds; Adoption of Federal Statutes and Regulations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation in Rule 68A-16.001, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C in accordance with the proposed rule change.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in Rule 68A-16.001, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.
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):

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.001 Migratory Birds; Adoption of Federal Statutes and Regulations.

(1) through (3) No change.

(4) Regulations of the U.S. Department of the Interior, Fish and Wildlife Service, specifically Title 50 CFR, Part 21, Subpart C, Section 21.30, relating to raptor propagation, except as modified below, are hereby adopted as rules of the Commission and are incorporated herein by reference.

(a) No change.

(b) Permittees shall provide copies of all annual reports required by regulations written in the Code of Federal Regulations, Title 50, Part 21, Subpart C, Section 21.30, to the Commission by January 31 of each year. The applicant's facility shall be available for inspection by Commission representatives during reasonable hours. Records required in federal regulations written in the Code of Federal Regulations, Title 50, Part 21, Subpart C, Section 21.30, shall be made available for inspection by Commission representatives upon request. Applicants and permittees shall be subject to the general regulations relating to licenses, permits and other authorizations as set forth in Rule ~~68-1.010 68A-5.004~~, F.A.C.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Formerly 39-13.02, Amended 7-1-94, 8-11-98, Formerly 39-13.002, 68A-13.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters
68A-23.012	Special Regulations on Lake Okeechobee
68A-23.015	Regulations Governing the Taking and Possession of Freshwater Mussels

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citations in Chapter 68A-23, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C in accordance with the proposed rule change.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in Chapter 68A-23, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-23.003 Commercial Fishing Devices; Provision for Use in Certain Waters.

(1) through (8) No change.

(9) Permits may be issued by the executive director to authorize the operation of haul seines in specified areas.

(a) Southwest Region haul seine permits:

1. through 4. No change.

5. Subject to Commission approval in accordance with subsection 68-1.010(2) ~~68A-5.004(2)~~, F.A.C., a permittee may designate in writing two assistant captains to fish in lieu of the permittee. The permittee or designated assistant captains shall be aboard the haul seine boat whenever fishing. Assistant captains shall be changed only by written request and approval of the Commission. A designated assistant captain shall work for only one permittee. Permittees shall maintain responsibility for the lawful operation of equipment used under the permit and for the proper live return to the water of all game fish taken pursuant to haul seine operations. Haul seines shall be attended continuously. The haul seine permit shall be aboard the vessel operating or transporting haul seine equipment.

6. Haul seine permittees or designated assistant captains shall fish at least 10 days annually from July 1 through June 30 of the following year. Failure to fish 10 days annually may result in revocation or non-renewal of a Southwest Region Haul Seine Permit in accordance with Rule 68-1.010 ~~68A-5.004~~, F.A.C.

7. through 10. No change.

11. Denial, revocation, suspension, or non-renewal of haul seine permits or designations of assistant captains shall be administered in accordance with provisions of this rule section and Rule 68-1.010 ~~68A-5.004~~, F.A.C. Permittees shall provide evidence of valid licenses required pursuant to Sections 379.363 and 379.3635, F.S., prior to renewal of the Southwest Region Haul Seine Permit. A Southwest Region Haul Seine Harvest Report (GFC Form HSRR1, effective 7-1-97, incorporated herein by reference and obtainable at the Southwest Region Office) shall be completed by each permittee and furnished to the Southwest Region Office by June 1 of each year.

(b) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History—New 8-1-79, Amended 10-23-79, 5-19-80, 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-23.03, Amended 6-1-86, 4-13-88, 7-1-90, 1-1-92, 7-1-92, 10-22-92, 4-20-93, 7-1-95, 4-1-96, 7-1-97, 7-1-98, Formerly 39-23.003, Amended 7-1-08, 8-27-09_____.

68A-23.012 Special Regulations on Lake Okeechobee.

(1) through (2) No change.

(3) Permits for haul seines:

(a) through (d) No change.

(e) Such permit shall be subject to revocation as provided in Rule 68-1.010 ~~68A-5.004~~, F.A.C.

- (f) No change.
- (4) No change.
- (5) Tagging:
 - (a) No change.

(b) Each permittee shall be responsible for the tagging of his own fish and only said permittee shall purchase tags. Tags will be provided by the Commission at a cost of five cents per tag. Permittees shall be responsible for the proper tagging of their fish and are strictly liable for any misappropriation thereof. Fish shall be tagged immediately upon arrival at the tagging site and prior to storage or, if a delay is necessary, shall be labeled so as to be readily traceable to the permittee. Permittees shall execute a contract of agreement with the Commission (GFC Form TA 1000, effective April 15, 1992 incorporated herein by reference, and available from the Commission) to tag fish at a designated location, and may be required to relinquish all tagging rights upon receipt of verified information and belief by the executive director that the permittee has violated any commercial fishing regulation governing Lake Okeechobee. In determining whether to require a permittee to relinquish his tagging rights, the executive director shall consider the standards and criteria set forth in Rule ~~68-1.010 68A-5.004~~, F.A.C. Breach of contract shall result in immediate denial of the delivery of fish tags by the Commission to the tagging agent.

- (c) through (e) No change.
- (6) Reports:
 - (a) through (b) No change.

(c) Failure to submit such reports for the reporting period may constitute grounds for revocation of, or denial of renewal of such license, permit or tagging agreement. Such revocation of, or denial of renewal of such license, permit, or tagging agreement shall be in accordance with standards and criteria promulgated in Rule ~~68-1.010 68A-5.004~~, F.A.C.

- (7) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3635, 379.377 FS. History—New 8-1-79, Amended 11-8-79, 5-19-80, 6-22-80, 6-15-81, 6-21-82, 12-14-82, 7-1-84, 7-1-85, 9-19-85, Formerly 39-23.12, Amended 6-1-86, 2-21-88, 4-4-91, 4-15-92, 7-1-97, 7-1-98, Formerly 39-23.012, Amended 8-27-09,_____.

68A-23.015 Regulations Governing the Taking and Possession of Alligator Gar, Eels and Freshwater Mussels.

- (1) No change.
- (2) Persons licensed in accordance with Section 379.363(1), F.S., may take eels as specified in Rule 68A-23.002, 68A-23.003 or 68A-23.004, F.A.C., only under permit from the Commission. Permits shall be subject to such terms, conditions and restrictions as prescribed therein and shall be issued, denied, renewed or revoked as provided in Rule ~~68-1.010 68A-5.004~~, F.A.C. Eel harvest permits shall be

issued to applicants who have submitted a completed eel harvest permit application. Eel Harvest Permit Application Form EHPA-1 (7-06) is incorporated herein by reference and obtainable at the Commission’s Tallahassee and Regional Offices.

- (3) through (6) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-96, Formerly 39-23.015, Amended 3-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: 68A-25.004 68A-25.032 68A-25.042	RULE TITLES: Regulations Governing the Operation of Alligator Farms Regulations Governing the Establishment of Alligator Management Programs Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
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PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Rule 68A-25.004, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in Rule 68A-25.004, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and their agents subject to the following:

- (1) No change.
- (2) Licensing and permitting:
- (a) through (h) No change.

(j) Upon revocation or non-renewal of an alligator farm permit as provided in Rule 68-1.010 ~~68A-5.004~~, F.A.C., the permittee shall have six (6) months to dispose of legally acquired alligator stock. The alligator farm and stock may not be sold or otherwise disposed of to any alligator farm of which the permittee or a relative is an officer, director, or principal or holds any interest.

- (3) through (8) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, _____.

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as "public lands" in this section) under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) through (g) No change.

(h) Permits shall be issued to designee within 60 days following receipt of a complete application meeting the criteria established herein (applicants should submit applications at least 60 days prior to the opening of the harvest period to ensure timely issuance of harvest permits and tags prior to the opening of the harvest period). Permits may be denied, pursuant to Rule 68-1.010 ~~68A-5.004~~, F.A.C., to designees who have previously failed to return unused tags and completed forms as specified herein.

(2) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History--New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, 7-20-09, _____.

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

- (1) through (2) No change.
- (3) Alligator trapping requirements:
- (a) through (k) No change.

(l) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010 ~~68A-5.004~~, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

- (4) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History--New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 23, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-33.003

RULE TITLES:

Marlin and Sailfish Possession
Limits; Prohibition of Harvest for
Spearfish; Prohibition of Sale;
Exception; Gear Restrictions

68B-33.004

Size Limits

PURPOSE AND EFFECT: The purpose of this rule amendment is to allow roundscale spearfish to be harvested under the state's billfish possession limit by removing it from the prohibited list and creating a size limit. This rule amendment will also add roundscale spearfish to the possession limit exceptions for taxidermists, seafood businesses, and restaurants. Roundscale spearfish are remarkably similar in appearance to the white marlin, including size, shape, and color which led to a scientific debate over the fish being a separate species. In 2006, scientific research showed roundscale spearfish to be a separate species and was recognized by NOAA Fisheries Highly Migratory Species Division (HMS) as a "new" billfish species. Prior to this research, roundscale spearfish was essentially being regulated the same as white marlin in federal waters due to their similar appearance. In light of these findings, HMS passed a rule that began January 1, 2011 recognizing the roundscale spearfish as a separate species, but continued to manage them the same as white marlin. To have compatible rules between Florida waters and adjacent federal waters, FWC rules should be modified to allow the harvest of roundscale spearfish, regulating them the same as white marlin. Allowing them to be harvested under the same bag and size limits as the white marlin will remove the identification issue and help fisheries managers better estimate both white marlin and roundscale spearfish populations because roundscale spearfish will not be incorrectly counted as white marlin and will be counted as roundscale spearfish.

SUMMARY: Rule 68B-33.003, F.A.C. (Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions) would be amended to remove the roundscale spearfish from the prohibited list and add it to the marlin and sailfish one fish recreational bag and possession limit of one blue marlin, white marlin, or sailfish, either individually or in combination at any time. The roundscale spearfish would also be added to the possession limit exceptions for taxidermists mounting the fish for the harvester and for wholesale and retail seafood businesses and restaurants for the limited purpose of smoking

the fish for the harvester. Rule 68B-33.004, F.A.C., (Size Limits) would be amended to create a size limit for roundscale spearfish of 66 inches lower jaw fork length (LJFL).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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.

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

DATES AND TIME: During the Commission's regular meeting May 2-3, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Golf Resort & Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

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: The ADA Coordinator, at (850)488-6411. 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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-33.003 Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions.

(1) Except as provided in subsection (4), no person shall possess more than one blue marlin, white marlin, roundscale spearfish, or sailfish, either individually or in combination at any time. Possession of more than one such fish within the state shall constitute a violation of this rule.

(2) No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any longbill spearfish; or Mediterranean spearfish; ~~or any roundscale spearfish~~. The purchase, sale, or exchange of any such spearfish is prohibited.

(3) No change.

(4) The possession limit and prohibition of sale contained in this rule shall not apply to the following situations:

(a) Blue marlin, white marlin, roundscale spearfish, or sailfish, may be kept on the premises of a wholesale or retail seafood business or restaurant for the limited purpose of smoking such fish for the harvesters thereof, so long as each such fish or part is packaged or otherwise clearly labeled to indicate the name and address of the owner and no portion of the fish is exchanged for the service.

(b) Blue marlin, white marlin, roundscale spearfish, or sailfish, may be transported by and kept on the premises of a taxidermist for the limited purpose of mounting such fish for the harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner and no portion of the fish is exchanged for the service.

(5) through (6) No change.

PROPOSED EFFECTIVE DATE: July 1, 2012.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-31-88, Amended 7-15-96 Formerly 46-33.003, Amended 8-26-99, 7-1-12.

68B-33.004 Size Limits.

(1) No change.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin or roundscale spearfish with a lower jaw fork length less than 66 inches.

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2012.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-26-99, Amended 10-1-02, 4-2-03, 8-3-10, 7-1-12.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68B-34.005 Bonefish Tournaments, Exemptions

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Rule 68B-34.005, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in Rule 68B-34.005, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-34.005 Bonefish Tournaments, Exceptions.

(1) through (4) No change.

(5) Any permits issued under this section are subject to the provisions of Rule ~~68-1.010~~ ~~68A-5.004~~, F.A.C., such as denial of future tournament exemption permits.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-11, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE NOS.:	RULE TITLES:
68E-1.004	General Permit Application Procedures, Requirements and Expiration

68E-1.005	Suspensions and Revocation
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PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Rule 68E-1.004, F.A.C. from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUMMARY: The citation(s) to Rule 68A-5.004, F.A.C. in Rule 68E-1.004, F.A.C. will be changed to Rule 68-1.010, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 379.244(2), 379.2431(1), 379.1025 FS.

LAW IMPLEMENTED: 379.244(2), 379.2431(1), 379.1025 FS.

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

DATES AND TIME: During the regular meeting of the Commission, May 2-3, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) through (15) No change.

(16) Commission Marine Turtle Conservation Guidelines related to nesting surveys, nest relocation, release, and other management or conservation activities shall be distributed as appropriate. The Marine Turtle Conservation Guidelines are hereby incorporated by reference (5/07) and are available at the address listed in subsection (1) above. On a periodic basis, the Commission may develop new guidelines or update existing ones to reflect prudent conservation and research practices related to the recovery of marine turtle populations.

(a) No change.

(b) The failure of the Principal Permit Holder or any individual listed on the permit to follow guidelines of the Commission shall be grounds for the Commission to revoke any current permit or to deny future applications for authorization subject to subsection ~~68-1.010(5)~~ ~~68A-5.004(5)~~, F.A.C.

(c) through (d) No change.

(17) through (23) No change.

Rulemaking Specific Authority 379.244(2), 379.2431(1) FS. Law Implemented 379.244(2), 379.2431(1) FS. History--New 2-11-81, Amended 8-6-81, Formerly 16B-40.04, 16B-40.004, 16R-1.004, 62R-1.004, Amended 7-1-04, 12-9-07, _____.

68E-1.005 Suspensions and Revocation.

(1) No change.

(2) Permits issued under this chapter are subject to the provisions of Rule ~~68-1.010~~ ~~68A-5.004~~, F.A.C.

Rulemaking Specific Authority 379.244(2), 379.2431(1) FS. Law Implemented 379.244(2), 379.2431(1) FS. History--New 2-11-81, Formerly 16B-40.05, 16B-40.005, 16R-1.005, 62R-1.005, Amended 12-9-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.0021 RULE TITLE: Written Examination for Swimming Pool Specialty Contractors

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

The incorrect date was printed for the Notice of Proposed Rule Development, the correct date is:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2012

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-5.001 RULE TITLE: Disciplinary Guidelines

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The correction is as follows:

The Notice of Change which published on March 9, 2012, in Vol. 38, No. 10 of the Florida Administrative Weekly incorrectly stated, "The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee." It should have read, "The changes to subsections (1)(a), (1)(l), (1)(m) and (1)(ff) are in response to written comments submitted by the staff of the Joint

Administrative Procedures Committee. The change to subsection (1)(jj) is in response to a discussion of the rule and subsequent vote by the Board."

This correction does not affect the substance of the Notice of Change published on March 9, 2012.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-5.001 RULE TITLE: Disciplinary Guidelines

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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and by a vote by the Board. This Notice of Change does not affect the previous Notice of Change for the rule that published on March 9, 2012 in Vol. 38, No. 10 of the Florida Administrative Weekly. The changes are as follows:

1. Subsection (1)(q) shall now read as follows:

(q) Violating provisions of Chapter 491 or 456, F.S., or any rule adopted pursuant thereto.

(Sections 456.072(1)(dd) & 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 fine and reprimand	\$1,000 fine and/or probation; 1 year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and 1 year probation	\$5,000 fine and 2 year suspension followed by probation; permanent revocation
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$5,000 fine and/or permanent revocation;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258