

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-24.005 Collection Site and Specimen Collection
Procedures

PURPOSE AND EFFECT: The Agency proposes to strike the incorporated forms to allow providers to adopt forms that comply with existing requirements.

SUBJECT AREA TO BE ADDRESSED: Collection Site and Specimen Collection Procedures – incorporated forms.

RULEMAKING AUTHORITY: 112.0455(13)(a), FS.

LAW IMPLEMENTED: 112.0455, FS.

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

DATE AND TIME: June 8, 2017, 3:00 p.m. ET – 4:30 p.m. ET

PLACE: Agency for Health Care Administration, Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

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: Zachary Masters, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4374. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zachary Masters, (850)412-4374, email: zach.masters@ahca.myflorida.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:
61-35.027 Real Estate Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new applications forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adoption of the new forms.

RULEMAKING AUTHORITY: 20.165(8), 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 559.79 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nick DuVal, Assistant General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1822.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-35.027 Real Estate Forms.

The following forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, (850)487-1395:

(1) Persons applying for a Sales Associate license shall use Form DBPR RE 1, Application for Sales Associate License, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01993>~~.

(2) Persons applying for a Broker license shall use Form DBPR RE 2, Application for Broker License, effective ~~XXXXXX October 2012~~, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01995>~~.

(3) Persons applying for Real Estate Instructor permit shall use Form DBPR RE 3, Application for Real Estate Instructor Permit, effective ~~XXXXXX October 2012~~, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01997>~~.

(4) Persons applying for a school permit shall use Form DBPR RE 5, Application for School Permit, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference,

and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01998>.

(5) Persons applying to change the status of their real estate school license shall use Form DBPR RE 6, Real Estate School Change of Status Transactions, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01999>.

(6) Persons applying for a real estate company license shall use Form DBPR RE 7, Application for Real Estate Company, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02001>.

(7) Persons applying to open, close or request a duplicate license of a branch office shall use Form DBPR RE 8, Application for Branch Office, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02002>.

(8) Persons applying to open, close or request a duplicate license of an additional school location shall use Form DBPR RE 9, Application for Additional School Location, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02003>.

(9) Persons requesting a demographic change or duplicate license/permit for real estate individuals shall use Form DBPR RE 10, Demographic Changes and Duplicate License for Real Estate Individuals, effective ~~XXXXXX October 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02005>.

(10) Persons applying for change of status for Sales and Broker Sales Associates shall use Form DBPR RE 11, Change of Status for Sales Associates and Broker Sales Associates,

effective April 2012, adopted and incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02006>.

(11) Persons requesting real estate company/sole proprietor transactions shall use Form DBPR RE 12, Real Estate Company/Sole Proprietor Transactions, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02007>.

(12) Persons requesting broker transactions shall use Form DBPR RE 13, Broker (BK) Transactions, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02008>.

(13) Persons requesting multiple permits for an instructor shall use Form DBPR RE 14, Multiple Permit Request for Instructor, effective ~~XXXXXX April 2012~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02009>.

(14) Persons applying to downgrade a Broker license to a Sales Associate license shall use Form DBPR RE 15, Revert Broker License to Sales Associate License, effective ~~XXXXXX April 2012~~, is adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02010>.

(15) Persons requesting Sales or Broker Sales transactions shall use Form DBPR RE 16, Miscellaneous Transactions, effective ~~XXXXXX April 2012~~, is adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(16) Persons requesting to register a broker on a temporary, emergency basis shall use Form DBPR RE 17, Registration for Temporary Qualifying Broker, effective ~~XXXXXX~~, adopted and incorporated by reference, and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(17) Any person or organization requesting continuing education course approval shall use Form DBPR RE 18, Continuing Education Course Approval Application, effective XXXXXX, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(18) Any person or organization applying to provide continuing education shall use Form DBPR RE 19, Continuing Education Provider Approval Application, effective XXXXXX, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(19) Persons requesting to instruct continuing education courses shall use Form DBPR RE 20, Request for Instructor Evaluation, effective XXXXXX, adopted and incorporated by reference, and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS Law Implemented 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 475.451, 559.79 FS. History—New 12-23-12, Amended _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify language with regard to records for surgical procedures.

SUBJECT AREA TO BE ADDRESSED: Deletion of language which contains an outdated rule reference with regard to physician assistants.

RULEMAKING AUTHORITY: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007 RULE TITLE: Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify language regarding office surgery registration.

SUBJECT AREA TO BE ADDRESSED: Clarification of language regarding office surgery registration.

RULEMAKING AUTHORITY: 459.005(1),(2) FS.

LAW IMPLEMENTED: 456.069, 459.005(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-1.004 RULE TITLE: Returns, Applications and Other Information (not Including Applications for Exemptions) Required to Be Filed with the Property Appraiser

PURPOSE AND EFFECT: The purposes of amending Rule 12D-1.004, F.A.C., are to update the rule to reflect the changes to s. 193.501, F.S., in section 11 of Chapter 2016-128, L.O.F.; change the April 1 filing deadline for property subject to an assessment on outdoor recreational or park lands or conservation easement to March 1, implementing section 2 of Chapter 2009-157, L.O.F.; incorporate application forms to send to the property appraiser in s. 193.501, F.S.; and remove obsolete references. The effects of this rule amendment are to

clarify the requirements of filing a timely return required in s. 193.052, F.S., incorporate form numbers to help identify the correct form to file, and correct a filing deadline.

SUMMARY: The amendment updates the filing deadline for property subject to an outdoor recreational or park lands or conservation easement, incorporates forms filed with the property appraiser, and adds the requirement that applicants must file a timely return under s. 193.052, 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: 1) no requirement for a 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 SERC, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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: 193.052, 193.062, 193.085, 193.481, 193.501, 193.621, 196.011, 196.193, 704.06(1) FS.

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: Mike Cotton at: telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-

3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-1.004 Returns, Applications and Other Information (not Including Applications for Exemptions) Required to Be Filed with the Property Appraiser.

(1) The following returns shall be filed according to the following schedule in each county which is the situs of the property, on forms and in compliance with the instructions for their use prescribed by the Department.

(a) Outdoor recreational or park lands. The owner of lands assessed as outdoor recreational or park lands, under Section 193.501, F.S., shall, on or before March 1 ~~April 1~~ of each year, file with the property appraiser a written statement that the lands were utilized for such purposes on January 1.

(b) Pollution control devices. The owner of lands assessed under Section 193.621, F.S., relating to pollution control devices, shall, on or before April 1 of each year, file a return in the manner and form prescribed by the Department. The Department prescribes Form DR-492, Return of Pollution Control Devices for Ad Valorem Tax Purposes, incorporated in Rule 12D-16.002, by reference.

(c) Mineral, oil and gas or other subsurface rights, assessed under Section 193.481, F.S., by owner of the surface fee. The owner of real property who also owns mineral, oil, gas or other subsurface mineral rights to the same property shall, on or before April 1 of each year, file with the property appraiser a request in the manner and form prescribed by the Department of Revenue in order to have such mineral, oil, gas or other subsurface mineral rights separately assessed from the remainder of the real estate as a separate item on the tax roll. Failure to file the above request, on or before April 1 of each year, shall relieve the property appraiser of the duty to assess mineral, oil, gas or other subsurface rights separately from the remainder of the real estate owned by the owner of such mineral, oil, gas or other subsurface rights. The Department prescribes Form DR-508, Application for Separate Assessment of Mineral, Oil, and Other Subsurface Rights, incorporated in Rule 12D-16.002, by reference.

(d) Property subject to a conservation easement, qualified and designated as environmentally endangered by resolution of the governing board of a municipality or county, or designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing board. The owner of property so designated may, on or before March 1 ~~April 1~~ of each year, petition the property appraiser in the manner and form prescribed by the Department of Revenue, for a reclassification and reassessment of the land pursuant to Section 193.501, F.S. See Rule 12D-8.001, F.A.C.

The Department prescribes Form DR-482C, Land Used for Conservation, incorporated in Rule 12D-16.002, by reference.

(e) Every person or organization who has the legal title to houses of public worship, the lots on which they are located, personal property located thereon or therein, every parsonage, house of public worship owned burial grounds and tombs, and all other such property not rented or hired out for other than religious or educational purposes at any time, shall, on or before April 1 of each year, file a return of such property in the manner and form prescribed by the Department with the property appraiser of the county in which the property is located.

(2) All state and governmental entities, including all departments (boards, authorities, agencies, commissions, etc.) of state governments, and all forms of local government (including county commissions, school boards, commissions, authorities, and agencies of a public or quasi-public nature), special taxing districts, multi-county districts and municipalities, shall, ~~beginning in 1972,~~ on or before April 1, furnish to the several property appraisers of this state a list of real property owned. Such list shall include a description sufficient to identify the same and an estimate of the value of the same. ~~The After 1972,~~ such list may include only the property which has been acquired or disposed of by the governmental entity since the filing of the previous return or list, and shall be due on or before April 1 of each year.

(3) An assessment may not be contested ~~unless until~~ a return, ~~as required by s. 193.052 if required,~~ is timely filed by the taxpayer.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.052, 193.062, 193.085, 193.481, 193.501, 193.621, 196.011, 196.193, 704.06(1) FS. History—New 10-12-76, Formerly 12D-1.04, Amended 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Cotton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-5.002	Purchase Price Paid as a Factor in Determining Agricultural Classification
12D-5.004	Applicability of Other Factors to Classification of Agricultural Lands

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12D-5.002, F.A.C., and the proposed

amendments to Rule 12D-5.004, F.A.C., is to implement the provisions of Chapter 2013-95, Laws of Florida. The effect of the proposed rule repeal and revisions is to provide property appraisers with updated procedures for administering the agricultural classification under Florida law.

SUMMARY: These rules provide procedures property appraisers use to determine if property qualifies for an agricultural classification. Legislation in 2013 repealed the statutory provision that Rule 12D-5.002, F.A.C., implements. The amendment to Rule 12D-5.004, F.A.C., deletes the other method factors, other than zoning, property appraisers use in determining agricultural land purposes.

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

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, 195.032 FS.

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

DATE AND TIME: June 15, 2017, 10:00 a.m.

PLACE: Capital Circle Office Complex, Building 2, Room 1220, 2450 Shumard Oak Blvd, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton at: telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-5.002 Purchase Price Paid as a Factor in Determining Agricultural Classification.
 Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.461, 195.032 FS. History—New 10-12-76, Amended 11-10-77, Formerly 12D-5.02, Repealed_____.

12D-5.004 Applicability of Other Factors to Classification of Agricultural Property Lands.

(1) Other factors stated ~~enumerated~~ by the court in Greenwood v. Oates, 251 So. 2d 665 (Fla. 1971), which the property appraiser may consider, but ~~to which he~~ is not limited to, are:

- (a) Opinions of appropriate experts in the fields;
- (b) Business or occupation of the owner; (Note that this cannot be considered beyond ~~over and above~~, or to the exclusion of, the actual use of the property.) (See AGO 70-123.);

(c) The nature of the property's terrain ~~of the property~~;

(d) Economic merchantability of the agricultural product; and

(e) The reasonably attainable economic salability of the agricultural product within a reasonable future time ~~for the particular agricultural product~~.

(2) Other factors that should ~~are recommended to~~ be considered are:

(a) Zoning (~~other than Section 193.461, F.S.~~), applicable to the property land;

(b) General character of the neighborhood;

(c) Use of adjacent properties;

(d) Proximity of the property ~~subject properties~~ to a metropolitan area and services;

(e) Principal domicile of the owner and family;

(f) Date of acquisition;

(g) Agricultural experience of the person conducting agricultural operations;

(h) Participation in governmental or private agricultural programs or activities;

(i) Amount of harvest for each crop;

(j) Gross sales from the agricultural operation;

(k) Months of hired labor; and

(l) Inventory and condition of buildings and machinery ~~and the condition of the same~~.

(3) The property appraiser cannot apply a ~~A~~ minimum acreage test to determine if property is being used ~~cannot be required for agricultural assessment in determining whether the use of the land for bona fide agricultural purposes is bona fide~~.

Rulemaking 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 11-1-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Cotton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-7.020
 RULE TITLE: Exemption for Real Property Dedicated in Perpetuity for Conservation

PURPOSE AND EFFECT: The purpose of amending this rule is to implement statutory changes enacted in section 1 of Chapter 2016-110, L.O.F. The rule implements Section 196.011, F.S., and the proposed amendment deletes the requirement that an exemption for a conservation easement must be renewed annually and updates the notification process for the property owner. The effect of the amendment provides that a property owner must notify the property appraiser when the use of the property no longer complies with conservation easement restrictions and requirements.

SUMMARY: The amendment to Section 196.011, F.S., deleted the requirement that an exemption for a conservation easement must be renewed annually. The rule implements the amendment by removing the requirement that the property owner was required to file an annual renewal. The property owner must notify the property appraiser when the use of the property no longer complies with conservation easement restrictions and requirements.

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

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: 196.011, 196.26, 213.05 FS.

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

DATE AND TIME: June 15, 2017, 10:00 a.m.

PLACE: Capital Circle Office Complex, Building 2, Room 1220, 2450 Shumard Oak Blvd, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton at: telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

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) If the land is no longer eligible for this exemption, the owner must promptly notify the property appraiser. If the owner fails to notify the property appraiser and it is determined the land was not eligible for this exemption for any time within the last 10 years, the owner is subject to taxes exempted plus 18% interest each year and a penalty of 100% of the taxes exempted. Any property of the owner will be subject to a lien for the unpaid taxes and penalties. (s.196.011, F.S.) ~~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 11-1-12, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Cotton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-8.0064	Assessments; Correcting Errors in Assessments of a Homestead
12D-8.00659	Notice of Change of Ownership or Control of Non-Homestead Property

PURPOSE AND EFFECT: The purpose of amending Rule 12D-8.0064, F.A.C., is to reflect the changes in section 5 of Chapter 2016-128, L.O.F., giving property owners 30 days to pay taxes, penalties, and interest prior to the property appraiser filing a notice of tax lien when a person is not entitled to a homestead exemption or assessment increase limitation as amended in Section 193.155, F.S. Amending Rule 12D-8.00659(7), F.A.C. to implement changes in sections 6 and 7 of Chapter 2016-128 L.O.F., relieving the property owner of any assessed penalties or interest if the property assessment limitation was granted because of a clerical error or omission as amended in Sections 193.1554 and 193.1555, F.S.

SUMMARY: These rule amendments allow property owners to be notified and given thirty days to pay taxes prior to a lien filing; and grant the property owner a waiver of penalty and interest assessed due to a clerical error or omission.

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

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: 193.011, 193.023, 193.155, 193.1554, 193.1555, 193.1556, 196.011, 196.161, 213.05 FS.
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 15, 2017, 10:00 a.m.
PLACE: Capital Circle Office Complex, Building 2, Room 1220, 2450 Shumard Oak Blvd, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-

3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-8.0064 Assessments; Correcting Errors in Assessments of a Homestead.

(1) Through (2) No change.

(3) This subsection shall apply where the property appraiser determines that a person who was not entitled to the homestead exemption or the homestead property assessment increase limitation was granted it for any year or years within the prior 10 years.

(a) The property appraiser shall take the following actions:

1. Serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county in the amount of the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest on the unpaid taxes per year. The owner of the property must be given the opportunity to pay the taxes and any applicable penalties and interest within 30 days. If the homestead exemption or the homestead property assessment increase limitation was improperly granted as a result of a clerical mistake or omission, the person or entity improperly receiving the property assessment limitation may not be assessed penalties or interest.

2. Record in the public records of the county a notice of tax lien against any property owned by this person in the county and identify all property included in this notice of tax lien.

3. The property appraiser shall correct the rolls to disallow the exemption and the homestead assessment increase limitation for any years to which the owner was not entitled to either.

(b) Where the notice is served by U.S. mail or by certified mail, the 30-day period shall be calculated from the date the notice was ~~delivered into the mails and~~ postmarked.

(c) Through (e) No change.

Rulemaking Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 196.011, 196.161, ~~213.05~~ FS. History—New 12-27-94, Amended 12-28-95, _____.

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

(1) Through (6) No change.

(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, which is 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.

(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 provide a notice of intent 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. Before a lien is filed, the person or entity who was notified must be given 30 days to pay the taxes, applicable penalties, and interest. If the property assessment limitation was improperly granted as a result of a clerical mistake or omission, the person or entity improperly receiving the property assessment limitation may not be assessed penalties or interest.

(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 11-1-12, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Cotton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.003	Definitions
12D-9.004	Composition of the Value Adjustment Board
12D-9.005	Duties of the Board
12D-9.007	Role of the Clerk of the Value Adjustment Board
12D-9.010	Appointment of Special Magistrates to the Value Adjustment Board
12D-9.014	Prehearing Checklist
12D-9.015	Petition; Form and Filing Fee
12D-9.017	Ex Parte Communication Prohibition
12D-9.018	Representation of the Taxpayer
12D-9.019	Scheduling and Notice of a Hearing
12D-9.025	Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses
12D-9.029	Procedures for Remanding Value Assessments to the Property Appraiser
12D-9.030	Recommended Decisions
12D-9.032	Final Decisions
12D-9.034	Record of the Proceeding

PURPOSE AND EFFECT: The department is proposing amendments to various rules in Chapter 12D-9, Florida Administrative Code (F.A.C.), for the value adjustment board (VAB) process. The purpose of the amendment to Rule 12D-9.001, F.A.C., is to detail taxpayer rights to implement sections 10, 11, and 12 of Chapter 2016-128, Laws of Florida (L.O.F.) The purpose of the proposed amendment to Rule 12D-9.003, F.A.C., is to implement section 11 of Chapter 2016-128, L.O.F., adding the terms “petition” and “representative.” The department proposes removing reference to AGO 2002-058 from the Law Implemented because opinions do not constitute law that can be implemented. The purpose of the proposed amendment to Rule 12D-9.004, F.A.C., is to reflect the verbiage change “chair” from section 11 of Chapter 2016-128, L.O.F. The purpose of the proposed amendments to Rule 12D-9.005, F.A.C., is to implement section 11 of Chapter 2012-193, L.O.F., updating language from Section 194.032, F.S., and section 10 of Chapter 2016-128, L.O.F., adding the new types of hearings. The purpose of the proposed amendment to Rule 12D-9.007, F.A.C., is to update the clerk’s role for notifications and implement section 2 of Chapter 2013-72, L.O.F., to allow for electronic notification of board decisions. The proposed amendment to Rule 12D-9.010, F.A.C., is to reflect the different types of hearings an attorney special magistrate will hear from section

12 of Chapter 2016-128, L.O.F. The proposed amendment to Rule 12D-9.014, F.A.C., is to implement section 12 of Chapter 2016-128, L.O.F., adding a requirement from Section 194.035(1), F.S., to the prehearing checklist. The proposed amendment to Rule 12D-9.015, F.A.C., is to remove language superceded by statute; update the rule language to match the changes to the petition forms; implement new Forms DR-486POA and DR-486A; implement section 10 of Chapter 2016-128, L.O.F.; incorporate changes from sections 8 and 11 of Chapter 2016-128, L.O.F.; correct statute citations; and add how authorized parties sign and file petitions with the clerk. The proposed amendment to Rule 12D-9.017, F.A.C., is to implement section 11 of Chapter 2016-128, L.O.F., changing "agent" to "representative." The purpose of the proposed amendment to Rule 12D-9.018, F.A.C., is to implement sections 1, 8, and 11 of Chapter 2016-128, L.O.F., providing for the requirements of additional types of representation for a taxpayer. The purpose of the proposed amendment to Rule 12D-9.019, F.A.C., is to implement section 10 of Chapter 2016-128, L.O.F. and section 8 of Chapter 2013-109, L.O.F., adding steps Section 194.032, F.S., provides for a board clerk when rescheduling a hearing for good cause. The purpose of the proposed amendment to Rule 12D-9.025, F.A.C., is to add when the property appraiser provides a revised property record card to the petitioner. The purpose of the proposed amendment to Rule 12D-9.029, F.A.C., is to clarify procedures when remanding a value assessment to the property appraiser. The purpose of the proposed amendment to Rules 12D-9.030 and 12D-9.032, F.A.C., is to implement section 11 of Chapter 2016-128, L.O.F., adding amendments from Section 194.034, F.S., regarding when the board prepares written decisions. The purpose of the proposed amendment to Rule 12D-9.034, F.A.C., is to implement section 11 of Chapter 2016-128, L.O.F., changing "agent" to "representative." The effects of amending these rules are to clarify the procedures for VAB proceedings and reflect recent statutory changes.

SUMMARY: Amend rules in Chapter 12D-9, F.A.C. about the value adjustment board proceedings, based on 2016 legislative amendments to the Florida Statutes.

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

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: 192.001, 192.0105, 193.074, 193.092, 193.122, 193.155, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.171, 194.301, 195.002, 195.022, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 197.2425, 197.301, 200.069, Chapter 475, Part II FS.

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

DATE AND TIME: June 15, 2017, 10:00 a.m.

PLACE: Capital Circle Office Complex, Building 2, Room 1220, 2450 Shumard Oak Blvd, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton at: telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-9.001 Taxpayer Rights in Value Adjustment Board Proceedings.

(1) Taxpayers are granted specific rights by Florida law concerning value adjustment board procedures.

(2) These rights include:

(a) The right to be notified of the assessment of each taxable item of property in accordance with the notice provisions set out in Florida Statutes for notices of proposed property taxes;

(b) The right to request an informal conference with the property appraiser regarding the correctness of the assessment or to petition for administrative or judicial review of property assessments. An informal conference with the property appraiser is not a prerequisite to filing a petition for administrative review or an action for judicial review;

(c) The right to file a petition on a form provided by the county that is substantially the same as the form prescribed by the department or to file a petition on the form provided by the department for this purpose;

(d) The right to state on the petition the approximate time anticipated by the taxpayer to present and argue his or her petition before the board;

(e) The right to authorize another person to file a board petition on the taxpayer's property assessment;

(f) The right, regardless of whether the petitioner initiates the evidence exchange, to receive from the property appraiser a copy of the property record card containing information relevant to the computation of the current assessment, with confidential information redacted. This includes the right to receive such property record card when the property appraiser receives the petition from the board clerk, at which time the property appraiser will either send the property record card to the petitioner or notify the petitioner how to obtain it online;

(g)(e) The right to be sent prior notice of the date for the hearing of the taxpayer's petition by the value adjustment board and the right to the hearing within a reasonable time of the scheduled hearing;

(h)(f) The right to reschedule a hearing a single time for good cause, request and be granted a change in the hearing date as described in this chapter;

(i)(g) The right to be notified of the date of certification of the county's tax rolls; and to be sent a property record card if requested;

(j)(h) The right to represent himself or herself or to be represented by another person who is authorized by the taxpayer to represent the taxpayer before the board; an attorney or an agent;

(k) The right, in counties that use special magistrates, to a hearing conducted by a qualified special magistrate appointed and scheduled for hearings in a manner in which the board, board attorney, and board clerk do not consider any assessment reductions recommended by any special magistrate in the current year or in any previous year;

(l)(i) The right to have evidence presented and considered at a public hearing or at a time when the petitioner has been given reasonable notice;

(m)(j) The right to have witnesses sworn and to cross-examine the witnesses; cross-examined;

(n)(k) The right to be issued a timely written decision within 20 calendar days of the last day the board is in session pursuant to Section 194.032, F.S., by the value adjustment board containing findings of fact and conclusions of law and reasons for upholding or overturning the determination of the property appraiser or tax collector;

(o)(l) The right to advertised notice of all board actions, including appropriate narrative and column descriptions, in brief and nontechnical language;

(p)(m) The right to bring an action in circuit court to appeal a value adjustment board valuation decision or decision to disapprove a classification, exemption, portability assessment difference transfer, or to deny a tax deferral or to impose a tax penalty;

(q)(n) The right to have federal tax information, ad valorem tax returns, social security numbers, all financial records produced by the taxpayer and other confidential taxpayer information, kept confidential; and,

(r)(o) The right to limiting the property appraiser's access to a taxpayer's records to only those instances in which it is determined that such records are necessary to determine either the classification or the value of taxable nonhomestead property.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.301, 195.002, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, ~~213.05~~ FS. History—New 3-30-10, Amended _____.

12D-9.003 Definitions.

(1) "Agent" means any person who is authorized by the taxpayer to file a petition with the board and represent the taxpayer in board proceedings on the petition. any person, including a family member of the taxpayer, who is authorized to represent the taxpayer before the board. The term "agent" means the same as the term "representative."

(2) through (5) No change

(6) "Petition" means a written request for a hearing, filed with a board by a taxpayer or an authorized person. A petition is subject to format and content requirements, as provided in Rule 12D-9.015. The filing of a petition is subject to timing requirements, as provided in this rule chapter.

(7)(6) "Petitioner" means the taxpayer or the person authorized by the taxpayer to file a petition on the taxpayer's behalf and represent the taxpayer in board proceedings on the petition. taxpayer as represented by an agent or attorney.

(8) "Representative" means any person who is authorized by the taxpayer to file a petition with the board and represent the taxpayer in board proceedings on the petition. The term "representative" means the same as the term "agent."

~~(9)(7)~~ “Taxpayer” means the person or other legal entity in whose name property is assessed, including an agent of a timeshare period titleholder, and includes exempt owners of property, for purposes of this chapter.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.001, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.171, 195.022, ~~213.05~~ FS., ~~AGO 2002-058~~. History–New 3-30-10, Amended _____.

12D-9.004 Composition of the Value Adjustment Board.

(1) Every county shall have a value adjustment board which consists of:

(a) Two members of the governing body of the county, elected by the governing body from among its members, one of whom shall be elected as the chair ~~chairperson~~ of the value adjustment board;

(b) through (c) No change.

(2) through (5) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015 FS. History–New 3-30-10, Amended _____.

12D-9.005 Duties of the Board.

(1)(a) The value adjustment board shall meet not earlier than 30 days and not later than 60 days after the mailing of the notice provided in Section 194.011(1), F.S.; however, no board hearing shall be held before approval of all or any part of the county’s assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

1. Hearing petitions relating to assessments filed pursuant to Section 194.011(3), F.S.;

2. Hearing complaints relating to homestead exemptions as provided for under Section 196.151, F.S.;

3. Hearing appeals from exemptions denied, or disputes arising from exemptions granted, upon the filing of exemption applications under Section 196.011, F.S.; ~~or~~

4. Hearing appeals concerning ad valorem tax deferrals and classifications; or-

5. Hearing appeals from determinations that a change of ownership under Section 193.155(3), F.S., a change of ownership or control under Section 193.1554(5), F.S., or Section 193.1555(5), F.S., or a qualifying improvement under Section 193.1555(5), F.S., has occurred.

(b) through (c) No change.

(2) through (3) No change.

~~(4) Other duties of value adjustment boards are set forth in other areas of Florida law. Value adjustment boards shall perform all duties required by law and shall abide by all limitations on their authority as provided by law.~~

~~(4)(5)~~ Failure on three occasions with respect to single tax year for the board to convene at the scheduled time

of meetings of the board ~~is shall constitute~~ grounds for removal from office by the Governor for neglect of duties.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.0105, 194.011, 194.015, 194.032, 194.034, 194.035, 194.037, ~~213.05~~ FS. History–New 3-30-10, Amended _____.

12D-9.007 Role of the Clerk of the Value Adjustment Board.

(1) though (9) No change.

(10) The board clerk shall timely notify the parties ~~petitioner by first class mail~~ of the decisions of the board so that such decisions shall be issued within 20 calendar days of the last day the board is in session pursuant to Section 194.032, F.S., and shall otherwise notify the property appraiser or tax collector of such decision. Notification of the petitioner must be by first class mail or by electronic means as set forth in Section 192.048, F.S. In counties using special magistrates, the board clerk shall also make available to both parties as soon as practicable a copy of the recommended decision of the special magistrate by mail or electronic means. No party shall have access to decisions prior to any other party.

(11) through (14) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 195.022 FS. History–New 3-30-10, Amended 6-14-16, 3-13-17, _____.

12D-9.010 Appointment of Special Magistrates to the Value Adjustment Board.

(1) In counties with populations of more than 75,000, the value adjustment board shall appoint special magistrates to take testimony and make recommendations on petitions filed with the value adjustment board. Special magistrates shall be selected from a list maintained by the board clerk of qualified individuals who are willing to serve. When appointing special magistrates, the board, board attorney, and board clerk shall not consider any assessment reductions recommended by any special magistrate in the current year or in any previous year.

(2) through (3) No change.

(4) The special magistrate must meet the following qualifications:

(a) A special magistrate must not be an elected or appointed official or employee of the county.

(b) A special magistrate must not be an elected or appointed official or employee of a taxing jurisdiction or of the State.

(c) During a tax year in which a special magistrate serves, he or she must not represent any party before the board in any administrative review of property taxes.

(d) All special magistrates must meet the qualifications specified in Section 194.035, F.S.

1. A special magistrate appointed to hear issues of exemptions, classifications, ~~and~~ portability assessment difference transfers, ~~changes of ownership under Section 193.155(3), F.S., changes of ownership or control under Sections 193.1554(5), or 193.1555(5), F.S., or a qualifying improvement determination under Section 193.1555(5), F.S.,~~ must shall be a member of The Florida Bar, must have at least with no less than five years of of experience in the area of ad valorem taxation, and must receive and having received training provided by the department. Alternatively, a member of The Florida Bar with at least three years of experience in ad valorem taxation and who has completed board training provided by the department including the examination, may serve as a special magistrate. ~~, or with no less than three years of such experience and having completed training provided by the department.~~

2. A special magistrate appointed to hear issues regarding the valuation of real estate shall be a state certified real estate appraiser, must have at least with not less than five years of experience in real property valuation, and must receive and having received training provided by the department. Alternatively, a state certified real estate appraiser with at least three years of real estate valuation experience and who has completed board training provided by the department including the examination, may serve as a special magistrate. ~~, or with no less than three years of such experience and having completed training provided by the department.~~ A real property valuation special magistrate must be certified under Chapter 475, Part II, F.S.

a. A Florida certified residential appraiser appointed by the value adjustment board shall only hear petitions on the just valuation of residential real property of one to four residential units and shall not hear petitions on other types of real property.

b. A Florida certified general appraiser appointed by the value adjustment board may hear petitions on the just valuation of any type of real property.

3. A special magistrate appointed to hear issues regarding the valuation of tangible personal property shall be a designated member of a nationally recognized appraiser's organization, must have at least with not less than five years of experience in tangible personal property valuation, and must receive and having received training provided by the department. Alternatively, a designated member of a nationally recognized appraiser's organization with at least three years of experience in tangible personal property valuation and who has completed board training provided by the department including the examination, may serve as a special magistrate. ~~, or with no less than three years of such~~

~~experience and having completed training provided by the department.~~

4. All special magistrates shall attend or receive an annual training program provided by the department. Special magistrates substituting two years of experience must show that they have completed the training by taking a written examination provided by the department. A special magistrate must receive or complete any required training prior to holding hearings.

(5) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.155(3), 193.1554(5), 193.1555(5), 194.011, 194.032, 194.034, 194.035, 195.022, 213.05 475, Part II FS. History--New 3-30-10, Amended.

12D-9.014 Prehearing Checklist.

(1) The board clerk shall not allow the holding of scheduled hearings until the board legal counsel has verified that all requirements in Chapter 194, F.S., and department rules, were met as follows:

(a) The composition of the board is as provided by law;

(b) Board legal counsel has been appointed as provided by law;

(c) Board legal counsel meets the requirements of Section 194.015, F.S.;

(d) No board members represent other government entities or taxpayers in any administrative or judicial review of property taxes, and citizen members are not members or employees of a taxing authority, during their membership on the board;

(e) In a county that does not use special magistrates, either all board members have received the department's training or board legal counsel has received the department's training;

(f) The organizational meeting, as well as any other board meetings, will be or were noticed in accordance with Section 286.011, F.S., and will be or were held in accordance with law;

(g) The department's uniform value adjustment board procedures, consisting of this rule chapter, were made available at the organizational meeting and copies were provided to special magistrates and board members;

(h) The department's uniform policies and procedures manual is available on the existing website of the board clerk, if the board clerk has a website;

(i) The qualifications of special magistrates were verified, including that special magistrates received the department's training, and that special magistrates with less than five years of required experience successfully completed the department's training including any updated modules and an examination, and were certified;

(j) The selection of special magistrates was based solely on proper experience and qualifications and neither the property appraiser nor any petitioners influenced the selection of special magistrates. This provision does not prohibit the board from considering any written complaint filed with respect to a special magistrate by any party or citizen;

(k) The appointment and scheduling of special magistrates for hearings was done in a manner in which the board, board attorney, and board clerk did not consider any assessment reductions recommended by any special magistrate in the current year or in any previous year.

~~(l)(4)~~ All procedures and forms of the board or special magistrate are in compliance with Chapter 194, F.S., and this rule chapter;

~~(m)(4)~~ The board is otherwise in compliance with Chapter 194, F.S., and this rule chapter; and,

~~(n)(3)~~ Notice has been given to the chief executive officer of each municipality as provided in Section 193.116, F.S.

(2) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035; ~~213.05~~ FS. History—New 3-30-10, Amended _____.

12D-9.015 Petition; Form and Filing Fee.

(1) No change.

(2) Content of Petition. Petition forms as adopted or approved by the department shall contain the following elements so that when filed with the board clerk they shall:

- (a) Describe the property by parcel number;
- (b) Be sworn by the petitioner;

(c) State the approximate time anticipated by the petitioner for presenting and arguing his or her petition before the board or special magistrate to be considered by the board clerk as provided in subsection 12D-9.019(1), F.A.C., and may provide dates of nonavailability for scheduling purposes if applicable;

(d) Contain a space for the petitioner to indicate on the petition form that he or she does not wish to be present and argue the petition before the board or special magistrate but would like to have their evidence considered without an appearance;

(e) Contain a statement that the petitioner has the right, regardless of whether the petitioner initiates the evidence exchange, to receive from the property appraiser a copy of the property record card containing information relevant to the computation of the current assessment, with confidential information redacted, along with a statement that when the property appraiser receives the petition, the property appraiser will either send the property record card to the petitioner or

notify the petitioner how to obtain the property record card online;

(f)1. Contain a signature field for the taxpayer to sign the petition and a checkbox for the taxpayer to indicate that she or he has authorized a representative to receive or access confidential taxpayer information related to the taxpayer; ~~to be signed by the taxpayer, or if the taxpayer is a legal entity, the employee of the legal entity with authority to file such petitions;~~

2. Contain a checkbox indicating whether the taxpayer has authorized a compensated or uncompensated representative to act on the taxpayer's behalf.

~~3.2.~~ Contain a signature field for an authorized employee or representative to sign the petition, when applicable, along with the authorized employee's or representative's sworn certification under penalty of perjury that he or she has the taxpayer's authorization to file the petition on the taxpayer's behalf together with checkboxes for professional information and spaces for license numbers; and ~~to be signed by an authorized agent. If the authorized agent is subject to licensure as described in Rule 12D-9.018, F.A.C., a space to provide identification of the licensing body and license number. If the authorized agent is not subject to licensure, for example a family member, a space to indicate the petition is accompanied by a written authorization of the taxpayer if not otherwise signed by the taxpayer;~~

4. Contain a signature field for a compensated or uncompensated representative, who is not an employee of the taxpayer or of an affiliated entity, or an attorney who is a member of The Florida Bar, a real estate appraiser licensed or certified under chapter 475, F.S., a real estate broker licensed under chapter 475, F.S., or a certified public accountant licensed under chapter 473, F.S., and checkboxes, for a compensated representative to indicate he or she is attaching a power of attorney from the taxpayer, and for an uncompensated representative to indicate he or she is attaching a written authorization from the taxpayer.

(g) If the petition indicates that the taxpayer has authorized a compensated representative to act on the taxpayer's behalf, at the time of filing, the petition must either be signed by the taxpayer or be accompanied by a power of attorney; and

(h) If the petition indicates that the taxpayer has authorized an uncompensated representative to act on the taxpayer's behalf, at the time of filing, the petition must either be signed by the taxpayer or be accompanied by the taxpayer's written authorization.

~~(i)(g)~~ Contain a ~~A~~ space for the petitioner to indicate if the property is four or less residential units; or other property type; provided the board clerk shall accept the petition even if this space is not filled in; and

(j)(4) ~~Contain a~~ A statement that a tangible personal property assessment may not be contested unless until a return required by Section 193.052, F.S., is timely filed.

(3) through (5) No change.

(6) If the taxpayer or representative's agent's name, address, telephone, or similar contact information on the petition changes after filing the petition and before the hearing, the taxpayer or representative agent shall notify the board clerk in writing.

(7) through (8) No change.

(9) Persons Authorized to Sign and File Petitions. The following persons may sign and file petitions with the value adjustment board.

(a) The taxpayer may sign and file a petition.

(b) An employee of the taxpayer or of an affiliated entity or a licensed or certified professional listed in Rule 12D-9.018(3)(a), who the taxpayer has authorized to file a petition and represent the taxpayer and who certifies under penalty of perjury that he or she has the taxpayer's authorization to file a petition on the taxpayer's behalf and represent the taxpayer, may file such a petition that is not signed by the taxpayer and that is not accompanied by the taxpayer's written authorization.

(c) A compensated person, who is not an employee of the taxpayer or of an affiliated entity and who is not acting as a licensed or certified professional listed in Rule 12D-9.018(3)(a), may file a petition on the taxpayer's behalf if the taxpayer has authorized such person by power of attorney. If the petition is not signed by the taxpayer, such person must provide a copy of the power of attorney to the board clerk at the time the petition is filed. This power of attorney is valid only for representing a single taxpayer in a single assessment year, and must identify the parcels or accounts for which the person is authorized to represent the taxpayer and must conform to the requirements of Chapter 709, Part II, F.S. A taxpayer may use a Department of Revenue form to grant the power of attorney or may use a different form provided it meets the requirements of Chapter 709, Part II, and section 194.034(1), F.S. The Department has adopted Form DR-486POA, Power of Attorney for Representation Before the Value Adjustment Board, which is incorporated by reference in Rule 12D-16.002, F.A.C., as a form available to taxpayers for granting the power of attorney.

(d) An uncompensated person, who has a taxpayer's signed written authorization to represent the taxpayer, is authorized to file a petition on the taxpayer's behalf if, at the time the petition is filed, such person provides a copy of the taxpayer's written authorization to the board clerk with the petition or the taxpayer's signed written authorization is contained on the petition form. This written authorization is valid only for representing a single taxpayer in a single

assessment year and must identify the parcels or accounts for which the person is authorized to represent the taxpayer. A taxpayer may use a Department of Revenue form to grant the authorization in writing or may use a different form provided it meets the requirements of section 194.034(1), F.S. The Department has adopted Form DR-486A, Written Authorization for Representation Before the Value Adjustment Board, which is incorporated by reference in Rule 12D-16.002, F.A.C., as a form available to taxpayers for granting the written authorization.

(10)(a) If a taxpayer notifies the board that an unauthorized petition has been filed for the taxpayer's property, the board may require the person who filed the petition to provide to the board, before a hearing is held on such petition, the taxpayer's written authorization for the person to file the petition and represent the taxpayer.

(b) If the board finds that an employee or a professional listed in Rule 12D-9.018(3)(a) knowingly and willfully filed a petition not authorized by the taxpayer, the board shall require such employee or professional to provide to the board clerk, before any petition filed by that employee or professional is heard, the taxpayer's written authorization for the employee or professional to represent the taxpayer. This board requirement shall extend for one year after the board's imposition of the requirement.

(11) If duplicate petitions are filed on the same property, the board clerk shall contact the taxpayer and all petitioners to identify whether a person has the taxpayer's authorization to file a petition and represent the taxpayer, and resolve the issue in accordance with this rule chapter.

(12)(9)(a) The board clerk shall accept for filing any completed petition that is timely submitted on a form approved by the department, with payment if required. If an incomplete petition is received, the board clerk shall notify the petitioner and give the petitioner an opportunity to complete the petition within 10 calendar days. Such completed petition shall be timely if completed and filed within the time frame provided in the board clerk's notice.

(b) A "completed" petition is one that:

1. provides information for all the required elements that are displayed on the department's form;
2. is accompanied by a power of attorney if required;
3. is accompanied by written taxpayer authorization if required; and
4. is accompanied by the appropriate filing fee if required.

(c) In accepting a petition, the ~~The~~ board clerk shall rely on the licensure information provided by a licensed professional representative, the power of attorney provided by an authorized, compensated person, or the written taxpayer authorization provided by an authorized, uncompensated

~~person, agent, or written authorization provided by an unlicensed agent, in accepting the petition.~~

~~(13)(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 (g) No change.

~~(14)(11)~~ Late Filed Petitions.

(a) Through (f) No change.

~~(15)(12)~~ Acknowledgement of Timely Filed Petitions. The board clerk shall accept all completed petitions, as defined by statute and subsection (2) of this rule. Upon receipt of a completed and filed petition, the board clerk shall provide to the petitioner an acknowledgment of receipt of such petition and shall provide to the property appraiser or tax collector a copy of the petition. ~~If, in the petition, the petitioner requested a copy of the property record card, the property appraiser shall forward a copy of the property record card, described in Section 194.032(2), F.S., to the petitioner upon receipt of the petition from the clerk, unless the property record card is available online from the property appraiser.~~

~~(16)~~ When the property appraiser receives the petition from the board clerk, regardless of whether the petitioner initiates the evidence exchange, the property appraiser shall provide to the petitioner a copy of the property record card containing information relevant to the computation of the current assessment, with confidential information redacted. ~~The property appraiser shall provide such property record card to the petitioner either by sending it to the petitioner or by notifying the petitioner how to obtain it online.~~

~~(17)(13)~~ The board clerk shall send the notice of hearing such that it will be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance. The board clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail thirty (30) days prior to the day of such scheduled appearance.

~~(18)(14)~~ Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://floridarevenue.com/dor/property/forms/> ~~<http://dor.myflorida.com/dor/property/forms/>~~

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, 195.022, 196.151, 197.2425 FS. History—New 3-30-10, Amended 11-1-12, 6-14-16, 3-13-17, _____.

12D-9.017 Ex Parte Communication Prohibition.

(1) No change.

(2) Any attempt by the property appraiser, tax collector, taxpayer or taxpayer's representative agent to provide information or discuss issues regarding a petition without the

presence of the opposing party before or after the hearing, with a member of the board or the special magistrate shall be immediately placed on the record by the board member or special magistrate.

(3) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, ~~213.05~~ FS. History—New 3-30-10, Amended _____.

12D-9.018 Representation of the Taxpayer.

(1) A taxpayer has the right, at the taxpayer's own expense, to be represented before the board by a person described in subsection (3) below. The taxpayer's representative may present testimony and other evidence in support of the petition, an attorney or by an agent.

(2) The authorized individual, agent, or legal entity that signs the petition becomes the agent of the taxpayer for the purpose of serving process to obtain jurisdiction over the taxpayer for the entire value adjustment board proceedings, including any appeals of a board decision by the property appraiser or tax collector. However, this does not authorize the individual, agent, or legal entity to receive or access the taxpayer's confidential information without written authorization from the taxpayer.

(3) Subject to the petition filing requirements set forth in this rule chapter, a taxpayer may be represented before the board by one of the persons described in this subsection.

(a)1. An employee of the taxpayer or of an affiliated entity may represent the taxpayer.

2. One of the following professionals may represent the taxpayer:

a. an attorney who is a member of the Florida Bar;

b. a real estate appraiser licensed or certified under Chapter 475, Part II, F.S.;

c. a real estate broker licensed under Chapter 475, Part I, F.S.; or

d. a certified public accountant licensed under Chapter 473, F.S.

3. If the taxpayer has authorized an employee or professional, listed in this subsection, to file a petition and represent the taxpayer and the employee or professional certifies under penalty of perjury that he or she has the taxpayer's authorization to file the petition on the taxpayer's behalf and represent the taxpayer, the employee or professional may file a petition that is not signed by the taxpayer and that is not accompanied by the taxpayer's written authorization.

(b) A person who provides to the board clerk at the time the petition is filed a power of attorney authorizing such person to act on the taxpayer's behalf, may represent the taxpayer. The power of attorney is valid only for representing

a single taxpayer in a single assessment year, and must identify the parcels or accounts for which the person is authorized to represent the taxpayer and must conform to the requirements of Chapter 709, Part II, F.S. A taxpayer may use a Department of Revenue form to grant the power of attorney or may use a different form, provided it meets the requirements of Chapter 709, Part II, and section 194.034(1), F.S. The Department has adopted Form DR-486POA, titled Power of Attorney for Representation Before the Value Adjustment Board, which is incorporated by reference in Rule 12D-16.002, F.A.C., as a form available to taxpayers for granting the power of attorney.

(c) An uncompensated person who provides to the board clerk at the time the petition is filed, the taxpayer's written authorization for such person to act on the taxpayer's behalf, may represent the taxpayer. This written authorization is valid only for representing a single taxpayer in a single assessment year and must identify the parcels or accounts for which the person is authorized to represent the taxpayer. A taxpayer may use a Department of Revenue form to grant the authorization in writing or may use a different form provided it meets the requirements of section 194.034(1), F.S. The Department has adopted Form DR-486A, titled Written Authorization for Representation Before the Value Adjustment Board, which is incorporated by reference in Rule 12D-16.002, F.A.C., as a form available to taxpayers for granting the written authorization. The agent need not be a licensed individual or person with specific qualifications and may be any person, including a family member, authorized by the taxpayer to represent them before the value adjustment board.

(4) A petition filed by an unlicensed agent must also be signed by the taxpayer or accompanied by a written authorization from the taxpayer.

(5) As used in this rule chapter, the term "licensed" refers to holding a license or certification under Chapter 475, Part I or Part II, F.S., being a Florida certified public accountant under Chapter 473, F.S., or membership in the Florida Bar.

(6) When duplicate petitions are filed on the same property, the board clerk shall contact the owner and all petitioners to resolve the issue.

(4)(7) The board clerk may require the use of an agent or representative number to facilitate scheduling of hearings as long as such use is not inconsistent with this rule chapter.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.013, 194.032, 194.034, 195.022, 195.084, ~~213.05~~, 473, 475 Parts I and II FS. History—New 3-30-10, Amended _____.

12D-9.019 Scheduling and Notice of a Hearing.

(1)(a) The board clerk shall prepare a schedule of appearances before the board or special magistrates based on timely filed petitions, and shall notify each petitioner of the

scheduled time of appearance. The board clerk shall simultaneously notify the property appraiser or tax collector. The board clerk may electronically send this notification to the petitioner, if the petitioner indicates on his or her petition this means of communication for receiving notices, materials, and communications.

(b) When scheduling hearings, the board clerk shall consider:

1. The anticipated amount of time if indicated on the petition;
2. The experience of the petitioner;
3. The complexity of the issues or the evidence to be presented;
4. The number of petitions/parcels to be heard at a single hearing;
5. The efficiency or difficulty for the petitioner of grouping multiple hearings for a single petitioner on the same day; and
6. The likelihood of withdrawals, cancellations of hearings or failure to appear.

(c) Upon request of a party, the board clerk shall consult with the petitioner and the property appraiser or tax collector to ensure that, within the board clerk's judgment, an adequate amount of time is provided for presenting and considering evidence.

(d) In scheduling hearings before specific special magistrates, the board, board attorney, and board clerk shall not consider any assessment reductions recommended by any special magistrate in the current year or in any previous year.

(e) In those counties that use special magistrates, after an attorney special magistrate has produced a recommended decision on a determination that a change of ownership under s. 193.155(3), a change of ownership or control under s. 193.1554(5) or s. 193.1555(5), or a qualifying improvement under s. 193.1555(5), has occurred, the petition shall be scheduled for a hearing before a real property valuation special magistrate for an administrative review of the value(s), unless the petitioner waives administrative review of the value. The clerk must notify the petitioner and property appraiser of the scheduled time in the manner described in this rule. This hearing is subject to the single time reschedule for good cause as provided in this rule. In counties that do not use special magistrates the board may proceed directly to a valuation hearing where properly noticed as provided in this rule.

(2) No change.

(3)(a) The notice of hearing before the value adjustment board shall be in writing, and shall be delivered by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on Form DR-486, so that the notice shall be received by the petitioner no less than twenty-five

(25) calendar days prior to the day of such scheduled appearance. The Form DR-486 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The notice of hearing form shall meet the requirements of this section and shall be subject to approval by the department. The department provides Form DR-481 as a format for the form of such notice. Form DR-481, Value Adjustment Board – Notice of Hearing, is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

(b) The notice shall include these elements:

1. The parcel number, account number or legal address of all properties being heard at the scheduled hearing;

2. The type of hearing scheduled;

3. The date and time of the scheduled hearing, however, if the petition has been scheduled to be heard within a block of time, the beginning and ending of that block of time shall be indicated on the notice;

4. The time reserved, or instructions on how to obtain this information;

5. The location of the hearing, including the hearing room number if known, together with board clerk contact information including office address and telephone number, for petitioners to request assistance in finding hearing rooms;

6. Instructions on how to obtain a list of the potential special magistrates for the type of petition in question;

7. A statement of the petitioner's right to participate in the exchange of evidence with the property appraiser;

8. A statement that the petitioner has the right to reschedule the hearing a single one time for good cause as defined in Section 194.032(2)(a), F.S.; ~~by making a written request to the board clerk at least five calendar days before the hearing;~~

9. A statement that Section 194.032(2)(a), F.S., defines "good cause" as circumstances beyond the control of the person seeking to reschedule the hearing which reasonably prevent the party from having adequate representation at the hearing;

~~10.9. Instructions on bringing copies of evidence;~~

~~11.10. Any information necessary to comply with federal or state disability or accessibility acts; and,~~

~~12.11. Information regarding where the petitioner may obtain a copy of the uniform rules of procedure.~~

(4) Each party may reschedule the hearing a single time for good cause by submitting a written request to the board clerk before the scheduled appearance or as soon as practicable. As used in this subsection, the term "good cause" is defined in Section 194.032(2)(a), F.S.

(a) The board clerk shall ascertain if the opposing party has been furnished a copy of the request, and if not, shall furnish the request to the opposing party.

The board clerk shall forward the request to the board or a board designee, which includes the board clerk, board legal counsel or a special magistrate.

(b) The board or board designee shall grant the hearing reschedule for any request from a party that reasonably appears to qualify under Section 194.032(2)(a), F.S. The board or board designee may act upon the request based on its face and whether it meets the provisions for good cause on its face.

(c) If the board or a board designee determines that the request does not show good cause, the request will be denied and the board may proceed with the hearing as scheduled.

(d) If the board or a board designee determines that the request demonstrates good cause, the request will be granted.

(e) If the request is received on or near the hearing date the clerk shall endeavor to accelerate the steps in processing the request.

(f) The board clerk shall give prompt notice to the parties of the determination as to good cause. Form DR-485WCN, Value Adjustment Board – Clerk's Notice, is designated and may be used for this purpose. Form DR-485WCN is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

(g) If good cause is found, the clerk shall give immediate notice of cancellation of the hearing and shall proceed as provided in paragraph (h).

(h) The clerk must receive any notice of conflict dates submitted by a party before notice of a rescheduled hearing is sent to both parties or before expiration of any period allowed by the clerk or board to both parties for such submittal.

(i) The clerk must reschedule considering conflict dates received and should accommodate a notice of conflict dates when any associated delay will not be prejudicial to the board's performance of its functions in the taxing process.

(j) The board clerk is responsible for notifying the parties of any rescheduling and will issue a notice of hearing with the new hearing date which shall, if possible, be the earliest date that is convenient for all parties.

(k) When rescheduling hearings under this rule, if the parties are unable to agree on an earlier date, the board clerk is authorized to schedule the hearing and send a notice of such hearing by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on the petition Form DR-486, so that the notice shall be received by the petitioner no less than fifteen (15) calendar days prior to the day of such scheduled appearance, unless this notice is waived by both parties.

(l) The clerk is authorized to inquire if a party wants their evidence considered in the event of their absence from the hearing.

(m) The clerk is authorized to ask the parties if they will waive the 15 days' notice for rescheduled hearings; however, the parties are not required to do so.

(n) A party must not assume the request to reschedule has been granted until notified by the clerk.

(5) If a hearing is rescheduled by a party, the board clerk must notify the petitioner of the rescheduled time in the manner referenced in subsection (3) so that the notice shall be received no less than fifteen (15) calendar days prior to the day of such rescheduled appearance, unless this notice is waived by both parties.

~~(6)(4)~~ If a hearing is rescheduled, the deadlines for the exchange of evidence shall be computed from the new hearing date, if time permits.

~~(7)(5)~~(a) If a petitioner’s hearing does not commence as scheduled, the board clerk is authorized to reschedule the hearing.

(b) In no event shall a petitioner be required to wait more than a reasonable time after the scheduled time to be heard or, if the petition has been scheduled to be heard within a block of time, after the beginning of the block of time. The board clerk is authorized to find that a reasonable time has elapsed based on other commitments, appointments or hearings of the petitioner, lateness in the day, and other hearings waiting to be heard earlier than the petitioner’s hearing with the board or special magistrate. If his or her petition has not been heard within a reasonable time, the petitioner may request to be heard immediately. If the board clerk finds a reasonable time has elapsed and petitioner is not heard, the board clerk shall reschedule the petitioner’s hearing. A reasonable time must not exceed two hours. After two hours, the petitioner has the right to inform the board chairperson, or the clerk as board designee, that he or she intends to leave. If the petitioner chooses to leave, the petitioner must first inform the board chairperson or clerk that he or she intends to leave. The clerk must not list the petitioner as a no show. If the hearing does not commence within two hours and the petitioner leaves, the clerk must reschedule the hearing.

(c) A rescheduling under this subsection is not a request by a party to reschedule as provided in subsection (4).

~~(d)(e)~~ A petitioner is not required to wait any length of time as a prerequisite to filing an action in circuit court.

~~(8)(6)~~ Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department’s Internet site: <http://floridarevenue.com/dor/property/forms/> ~~<http://dor.myflorida.com/dor/property/forms/>~~.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 195.022 FS. History—New 3-30-10, Amended 9-26-11, 6-14-16, Ch. 2016-128 s. 15, LOF., 7-1-16, 3-13-17, _____.

12D-9.025 Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses.

(1) through (5) No change.

(6)(a) By agreement of the parties entered in the record, the board or special magistrate may leave the record open and postpone completion of the hearing to a date certain to allow a party to collect and provide additional relevant and credible evidence. Such postponements shall be limited to instances where, after completing original presentations of evidence, the parties agree to the collection and submittal of additional, specific factual evidence for consideration by the board or special magistrate. In lieu of completing the hearing, upon agreement of the parties the board or special magistrate is authorized to consider such evidence without further hearing.

(b) If additional hearing time is necessary, the hearing must be completed at the date, place, and time agreed upon for presenting the additional evidence to the board or special magistrate for consideration.

(c) The following limitations shall apply if the property appraiser seeks to present additional evidence that was unexpectedly discovered and that would increase the assessment.

1. The board or special magistrate shall ensure that such additional evidence is limited to a correction of a factual error discovered in the physical attributes of the petitioned property; a change in the property appraiser’s judgment is not such a correction and shall not justify an increase in the assessment.

2. A notice of revised proposed assessment shall be made and provided to the petitioner in accordance with the notice provisions set out in Florida Statutes for notices of proposed property taxes. ~~The property appraiser shall send a revised property record card, if requested on the petition, unless the revised property record card is available online from the property appraiser.~~

3. Along with the notice of revised proposed assessment, the property appraiser shall provide to the petitioner a copy of the revised property record card containing information relevant to the computation of the revised proposed assessment, with confidential information redacted. The property appraiser shall provide such revised property record card to the petitioner either by sending it to the petitioner or by notifying the petitioner how to obtain it online.

~~4.3.~~ A new hearing shall be scheduled and notice of the hearing shall be sent to the petitioner.

~~5.4.~~ The evidence exchange procedures in Rule 12D-9.020, F.A.C., shall be available.

~~6.5.~~ The back assessment procedure in Section 193.092, F.S., shall be used for any assessment already certified.

(7) through (10) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.092, 194.011, 194.032, 194.034 FS. History—New 3-30-10, Amended 6-14-16, _____.

12D-9.029 Procedures for Remanding Value Assessments to the Property Appraiser.

(1) through (3) No change.

(4) The board or special magistrate shall, on the appropriate decision form from the Form DR-485 series, produce written findings of fact and conclusions of law necessary to determine that a remand is required, but shall not render a recommended or final decision until after ~~unless~~ a continuation hearing is held or waived as provided in subsection (9). The Form DR-485 series is adopted, and incorporated by reference, in Rule 12D-16.002, F.A.C.

(5) through (13) No change.

(14) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site:

<http://floridarevenue.com/dor/property/forms/>.
~~<http://dor.myflorida.com/dor/property/forms/>~~
 Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 194.035, 194.301, ~~213.05~~ FS. History—New 3-30-10, Amended, _____.

12D-9.030 Recommended Decisions.

(1) For each petition not withdrawn or settled, special magistrates shall produce a written recommended decision that contains findings of fact, conclusions of law, and reasons for upholding or overturning the property appraiser's determination. Conclusions of law must be based on findings of fact. For each of the statutory criteria for the issue under administrative review, findings of fact must identify the corresponding admitted evidence, or lack thereof. Each recommended decision shall contain sufficient factual and legal information and reasoning to enable the parties to understand the basis for the decision, and shall otherwise meet the requirements of law. The special magistrate and board clerk shall observe the petitioner's right to be sent a timely written recommended decision containing proposed findings of fact and proposed conclusions of law and reasons for upholding or overturning the determination of the property appraiser. After producing a recommended decision, the special magistrate shall provide it to the board clerk.

(2) through (6) No change.

(7) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site:

<http://floridarevenue.com/dor/property/forms/>
~~<http://dor.myflorida.com/dor/property/forms/>~~
 Rulemaking Authority 194.011(5), 194.034(1), 195.027(1) FS. Law Implemented 193.155, 194.011, 195.022, ~~213.05~~ FS. History—New 3-30-10, Amended _____.

12D-9.032 Final Decisions.

(1)(a) For each petition not withdrawn or settled, the board shall produce a written final decision that contains

findings of fact, conclusions of law, and reasons for upholding or overturning the property appraiser's determination. Conclusions of law must be based on findings of fact. For each of the statutory criteria for the issue under administrative review, findings of fact must identify the corresponding admitted evidence, or lack thereof. Each final decision shall contain sufficient factual and legal information and reasoning to enable the parties to understand the basis for the decision, and shall otherwise meet the requirements of law. The board may fulfill the requirement to produce a written final decision by adopting a recommended decision of the special magistrate containing the required elements and providing notice that it has done so. The board may adopt the special magistrate's recommended decision as the decision of the board incorporating the recommended decision, using a postcard or similar notice. The board shall ensure regular and timely approval of recommended decisions.

(b) Legal advice from the board legal counsel relating to the facts of a petition or to the specific outcome of a decision, if in writing, shall be included in the record and referenced within the findings of fact and conclusions of law. If not in writing, such advice shall be documented within the findings of fact and conclusions of law.

(2) through (6) No change.

(7) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site:

<http://floridarevenue.com/dor/property/forms/>
~~<http://dor.myflorida.com/dor/property/forms/>~~
 Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 194.036, 195.022, ~~213.05~~ FS. History—New 3-30-10, Amended, _____.

12D-9.034 Record of the Proceeding.

(1) through (3) No change.

(4) If requested by the taxpayer, the taxpayer's representative agent, or the property appraiser, the board clerk shall retain these records until the final disposition of any subsequent judicial proceeding related to the same property.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 194.035, ~~213.05~~ FS. History—New 3-30-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mike Cotton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002
 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of amending this rule is to implement statutory changes enacted in section 1 of Chapter 2016-110, L.O.F.; amend Form DR-418C, “Real Property Dedicated in Perpetuity for Conservation, Exemption Application,” to remove instructions requiring the property owner to annually reapply for the exemption; repeal Form DR-418CR, “Real Property Dedicated in Perpetuity for Conservation, Exemption Renewal,” to reflect the amendment to Section 196.26, F.S., removing the annual renewal notification to the property appraiser; and amend Form DR-501M, “Deployed Military Exemption Application,” to include subordinate military operations as amended in Section 196.173, F.S. The purpose of modifying Form DR-505, “Report of Discounts, Errors, Double Assessments, and Insolvencies,” is to comply with Section 197.492, Florida Statutes. The tax collector prepares this form and certifies it to the Board of County Commissioners (BOCC) of the same county. The modification removes the requirement for the BOCCs to review the report for tax roll purposes. The effect of these proposed amendments is that affected parties will have an updated form available that complies with current law.

SUMMARY: The proposed amendments to Rule 12D-16.002, Index to Forms, incorporate changes to three forms to bring them into compliance with current administrative procedures and remove an obsolete form, DR-418CR.

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 a 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 SERC, or to provide a proposal for a

lower cost regulatory alternative must do so in writing within 21 days of this notice.

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: 95.18, 136.03, 192.001(18), 192.0105, 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, 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, 197.3632, 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.

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: Mike Cotton at: telephone (850)617-8870 or email Mike.Cotton@floridarevenue.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32315-3000, telephone: (850)617-8870, email: mike.cotton@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

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

	Form Number	Form Title	Effective Date
(2)	through (13)(a)	No change.	
(13)(b)	DR-418C	Real Property Dedicated in Perpetuity for Conservation, Exemption Application (#, 4442 <u>r. xx/xx</u>) https://www.flrules.org/Gateway/reference.asp?No=Ref-01749	<u>xx/xx 44/42</u>
(e)	DR 418CR	Real Property Dedicated in Perpetuity for Conservation, <u>44/42</u>	

		Exemption Renewal	
		(n. _____ 11/10)	
		https://www.flrules.org/Gateway/reference.asp?No=Ref-01750	
(c)(d)	DR-418E	Enterprise Zone Ad Valorem Property Tax Exemption – Child 1/00 Care Facility Application for Exemption Certification (n. 12/99)	
(14)	through (39)(d)	No change.	
(39)(e)	DR-501M	Deployed Military Exemption Application (r. <u>xx/xx 5/42</u>)	<u>xx/xx 4/42</u>
		https://www.flrules.org/Gateway/reference.asp?No=Ref-01796	
(f)	through (41)(d)	No changes	
(42)	DR-505	Report of Discounts, Errors, Double Assessments, and Insolvencies (r. <u>xx/xx 4/46</u>)	<u>xx/xx 4/46</u>
		https://www.flrules.org/Gateway/reference.asp?No=Ref-06510	
(43)	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, 193.1554, 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, 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, 197.3632, 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, 11-1-12, 9-10-15, 4-5-16, 6-14-16, 1-9-17, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Cotton
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of Florida.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2017 and April 11, 2017.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-7.003
 RULE TITLE: Notice of Non-compliance
 PURPOSE AND EFFECT: The rule is updated to comply with statutory changes to Section 120.695, F.S. and to identify an additional minor violation.

SUMMARY: The introductory paragraph is amended to be consistent with Sections 120.695 and 455.225(3); F.S., subsection (1) is updated to include reference to Rule 61G7-10.002; F.A.C. and subsection (5) is added designating controlling person notification as a minor violation.

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: 120.695, 455.225(3), 468.522 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Richard.Morrison@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-7.003 Notice of Noncompliance ~~Non-compliance~~.

In accordance with Section 120.695, F.S., the Department shall issue a notice of noncompliance ~~non-compliance~~ as a first enforcement action against a licensee for a minor violation of a rule. Pursuant to Sections 120.695 and 455.225(3), F.S. Florida Statutes, the Board designates the following ~~rules for which a violation would be a~~ minor violations ~~of a rule for which a notice of non-compliance is issued:~~

(1) Failure to notify the Board within 30 days of ~~c~~Change of address, in violation of Rule 61G10.002(2)(i) and (3), F.A.C., and Section 468.532(1)(j), F.S.

(2) Failure to post license in conspicuous place, in violation of Section 468.530(2), F.S.

(3) Engagement in the business under any name other than that specified on license, in violation of Section 468.530(3), F.S.

(4) Failure to include the employee leasing company license number in advertisements as required by defined in

Rule 61G7-11.001(3), F.A.C., and in violation of Section 468.530(4), F.S.

(5) Failure of the employee leasing company or the controlling person to notify the Board within a 90 day period that a controlling person has ceased performing controlling person duties, as long as at least one controlling person remains licensed at the employee leasing company, as required by Rule 61G7-10.002(2)(g),(h) and (3), F.A.C.

Rulemaking Specific Authority 120.695, 455.225(3), 468.522 FS. Law Implemented 120.695, 455.225(3) FS. History—New 2-29-96, Amended 1-25-98; - -17.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Employee Leasing Companies

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 10, 2017

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: **RULE TITLES:**

- 64B16-28.301 Destruction of Controlled Substances - Institutional Class I Pharmacies (Nursing Homes)
- 64B16-28.501 Institutional Permit - Consultant Pharmacist of Record
- 64B16-28.503 Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities
- 64B16-28.606 Remote Medication Order Processing for Class II Institutional Pharmacies
- 64B16-28.870 Special-ALF

PURPOSE AND EFFECT: The Board proposes the rule amendments to update, revise and streamline board rules relating to pharmacies serving assisted living/long term care facilities.

SUMMARY: The rules relating to pharmacies serving assisted living/long term care facilities will be updated, revised and streamlined.

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: 465.005, 465.022, 465.0125 FS.

LAW IMPLEMENTED: 465.019, 465.0196, 465.0125, 465.022, 465.026 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: C. Erica White, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.301 Destruction of Controlled Substances – Institutional Class I Pharmacies (Nursing Homes).

(1) No change.

(2) For each controlled substance destroyed, documentation A document must be completed showing the name and quantity of the drug, strength and dosage form, patient’s name, prescription number and name of the institution. Destruction of the controlled substance shall be witnessed, and documentation thereof shall be This documentation, at the time of destruction, shall be witnessed and signed by at least two (2) of the following individuals:

- a. the consultant pharmacist;
- b. director of nursing;
- c. and the facility administrator; or his/her designee which may include
- d. a licensed physician, mid-level practitioner, nurse, or another pharmacist employed by or associated with the facility; or
- e. a sworn law enforcement officer.

(3) The consultant pharmacist shall be responsible for the creation and implementation of policies and procedures to ensure that controlled substances are disposed of in accordance with applicable state and federal laws and rules. Furthermore, the consultant pharmacist shall review all

controlled substance destruction documentation monthly to ensure compliance with this rule and federal and state law.

(4) The consultant pharmacist shall ensure that non-controlled substances are returned to the provider pharmacy in compliance with Rule 64B16-28.118, F.A.C.

Rulemaking Authority 465.005, 465.022(12), FS. Law Implemented 465.022(12), 465.019, 893.07(1), (3), (5), FS. History—New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Amended 7-21-09, 2-10-14,_____.

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

(1) Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within ten (10) days of any change in the consultant pharmacist of record.

(2) The consultant pharmacist of record for a Class I, Class II, or Modified Class II, or a Special ALF permit shall conduct Drug Regimen Reviews as required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor ~~monthly~~ the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and ~~or~~ in the monthly facility inspection.

(3) A consultant pharmacist licensed in Florida may remotely access a facility or pharmacy's electronic database from outside the facility or pharmacy to conduct supplemental drug regimen review services, subject to the pharmacy or facility establishing policies and procedures to ensure the security and privacy of confidential patient records, including compliance with applicable Federal HIPAA regulations.

Rulemaking Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022, 465.0266, FS. History—New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended 1-2-02, 12-30-07,_____.

64B16-28.503 Transmission of Starter Dose Prescriptions for Patients in Class I ~~Institutional~~ or Modified II B Institutional Facilities.

(1) Definitions.

(a) No change.

(b) “Starter dose pharmacy” means a pharmacy that dispenses a medicinal drug pursuant to a starter dose prescription for ~~to~~ a patient in a facility served by the vendor pharmacy.

(c) “Starter dose prescription” means a prescription transmitted by a vendor pharmacy to a starter dose pharmacy for the purpose of initiating drug therapy for a patient in a facility served by the vendor pharmacy. The term “starter dose prescription” does not include prescriptions for controlled substances.

(2) A vendor pharmacy may transmit a starter dose prescription, excluding a prescription for a controlled substance, to a starter dose pharmacy if the vendor pharmacy:

(a) No change.

~~(b) Has a written contract with the starter dose pharmacy.~~

~~(b)(e)~~ Has written authorization from a prescribing practitioner, directly or via facility agreement, to act as the practitioner’s agent for the purpose of transmitting a starter dose prescription.

(d) through (f) re-designated (c) through (e) No change.

(3) A starter dose pharmacy may dispense a medicinal drug, excluding a controlled substance, pursuant to a starter dose prescription for a patient in a facility that holds a Class I Institutional Permit or Modified II B Permit if the starter dose pharmacy:

~~(a) Has a written contract with the vendor pharmacy.~~

~~(b)~~ mMaintains a record of each starter dose prescription and:

~~(e)~~ mMaintains a policy and procedure manual that references starter dose prescriptions.

~~(4) The contract between a vendor pharmacy and a prescribing practitioner shall:~~

~~(a) Be in writing.~~

~~(b) Identify each facility served by the vendor pharmacy for which the authorization is valid.~~

~~(c) Authorize the vendor pharmacy to transmit, as an agent of the practitioner, a starter dose prescription to a starter dose pharmacy.~~

~~(d) Be on file at the vendor pharmacy, at the facility served by the vendor pharmacy, and with the prescribing practitioner.~~

~~(e) Be available for inspection by agents of the Department of Health or the Board of Pharmacy.~~

~~(5) The contract between the vendor pharmacy and the starter dose pharmacy shall:~~

~~(a) Be in writing.~~

~~(b) Identify each facility served by the vendor pharmacy.~~

~~(c) Assign the responsibility for prospective drug use review required by Rule 64B16-27.810, F.A.C., to the vendor pharmacy.~~

~~(d) Assign the responsibility for patient counseling required by Rule 64B16-27.820, F.A.C., to the vendor pharmacy.~~

~~(e) Be referenced in the Policy and Procedure Manual of the vendor pharmacy and of the starter dose pharmacy.~~

~~(f) Be updated as necessary to identify facilities or practitioners.~~

~~(g) Be on file at the vendor pharmacy, at the starter dose pharmacy, and at the facility.~~

~~(h) Be available for inspection by authorized agents of the Department of Health and the Board of Pharmacy.~~

(4)(6) A record of each starter dose prescription shall be:

~~(a) Readily retrievable and~~

~~(b) Maintained for four (4) years.~~

Rulemaking Authority 465.005, 465.019(4), 465.022 FS. Law Implemented ~~465.018~~, 465.019, 465.022(12), FS. History—New 11-29-04, Amended 7-14-14, _____.

64B16-28.606 Remote Medication Order Processing for Class II Institutional Pharmacies or Special Pharmacy Permits Servicing Class I, Class II, Modified Class II, and Special ALF Permitted Facilities.

(1) Definitions.

(a) “Remote Medication Order Processing” includes any of the following activities performed for a Class II Institutional Pharmacy or for Special Pharmacy Permits servicing Class I, Class II, Modified Class II, and Special ALF permitted facilities from a remote location:

1. Receiving, interpreting, or clarifying medication orders;:-

2. Entering or transferring medication order data;:-

3. Performing prospective drug use review;:-

4. Obtaining substitution authorizations;:-

5. Interpreting and acting on clinical data;:-

6. Performing therapeutic interventions;:-

7. Providing drug information;:-

8. No change.

(b) No change.

(c) “Prospective drug use review” means an evaluation of medication orders and patient medication records for:

1. Over-utilization or under-utilization of medication;:-

2. Therapeutic duplication of medication;:-

3. Drug-disease contraindications;:-

4. Drug interactions;:-

5. Incorrect drug dosage or duration of drug treatment;:-

6. No change.

(2) General requirements.

(a) No change.

(b) A Class II Institutional pharmacy or Special Pharmacy servicing Class I, Class II, Modified Class II, and Special ALF permitted facilities may utilize remote medication order processing if the pharmacist performing the remote medication order processing has access to sufficient patient information necessary for prospective drug use review and approval of medication orders.

(c) No change.

(d) If the pharmacist performing remote medication order processing is not an employee of the ~~Class II Institutional pharmacy~~, the Class II Institutional pharmacy or Special Pharmacy servicing Class I, Class II, Modified Class II, and Special ALF permitted facilities must have a written agreement or contract with the pharmacist or entity employing the pharmacist. The written agreement or contract shall:

1. Outline the services to be provided;:-

2. Delineate the responsibilities of each party including compliance with federal and state laws and regulations governing the practice of pharmacy as well as state and federal medical privacy requirements including compliance with applicable Federal HIPAA regulations;-

3. Require that the parties adopt a policies and procedures manual;:-

4. No change.

(3) Policy and Procedures. A policy and procedures manual shall:

(a) Be accessible to each party involved in remote medication order processing;:-

(b) Be available for inspection by the Board or an authorized agent of the Department;:-

(c) Outline the responsibilities of each party involved in remote medication order processing;:-

(d) Include a current list of the name, address, telephone number, and license number of each pharmacist involved in remote medication order processing;:-

(e) Include policies and procedures for:

1. Ensuring the security and privacy of confidential patient records, including compliance with applicable Federal HIPAA regulations ~~Protecting the confidentiality and integrity of patient information.~~

2. Ensuring that a pharmacist performing prospective drug use review has access to appropriate drug information resources;:-

3. Ensuring that medical and nursing staff understand how to contact a pharmacist;:-

4. Maintaining records to identify the name, initials, or identification code of each person who performs a processing function for a medication order;:-

5. Complying with federal and state laws and regulations;:-

6. Operating or participating in a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;:-

7. No change.

(4) Records.

(a) A Class II Institutional Pharmacy or Special Pharmacy Permits servicing Class I, Class II, Modified Class II, and

Special ALF permitted facilities involved in remote medication order processing shall maintain a record that identifies the name, initials, or identification code of each person who performed a processing function for every medication order. The record shall be available by medication order or by patient name.

(b) through (d) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.019, 465.022, 465.026, 465.0266, FS. History—New 11-29-04, Amended 7-14-14, _____.

64B16-28.870 Special-ALF.

(1) The Special-ALF permit is an optional facility license for those Assisted Living Facilities providing a drug delivery system utilizing medicinal drugs provided in unit dose packaging.

(2) Medicinal Drugs.

(a) Medicinal drugs may not be dispensed on the premises.

(b) All medicinal drugs must be maintained in individual prescription containers for the individual patient. Medicinal drugs may not be dispensed on the premises.

(c) Medicinal drugs dispensed to the residents of a Special-ALF permit shall meet the labeling requirements of Rules 64B16-28.502 and 64B16-28.108, F.A.C.

(d) Medicinal drugs dispensed to patients of Special-ALF permits may be returned to the dispensing pharmacy's stock under the provisions of Rule 64B16-28.118, F.A.C. Dispensed controlled substances that have been discontinued shall be disposed of under the provisions of Rule 64B16-28.301, F.A.C. ~~Medicinal drugs dispensed to the residents of a Special-ALF permit shall meet the labeling requirements of Rule 64B16-28.502 and paragraph 64B16-28.402(1)(h), F.A.C.~~

(3) Consultant Pharmacist of Record.

(a) Each facility holding a Special-ALF permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within ~~ten~~ (10) days of any change in the consultant pharmacist of record.

(b) The consultant pharmacist of record shall be responsible for the preparation of the Policy and Procedure Manual required by subsection 64B16-28.800(2), F.A.C. Policy and Procedure Manuals must provide for the appropriate storage conditions and security of the medicinal drugs stored at the facility.

(c) The consultant pharmacist of record shall inspect the facility and prepare a written report to be filed at the permitted facility at least monthly.

(d) The consultant pharmacist of record shall conduct Drug Regimen Reviews as required by Federal or State law,

inspect the facility, and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor the facility's system for maintaining medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and ~~or~~ in the monthly facility inspection.

(e) A consultant pharmacist licensed in Florida may remotely access a facility or pharmacy's electronic database from outside the facility or pharmacy to conduct supplemental drug regimen review services, subject to the pharmacy or facility establishing policies and procedures to ensure the security and privacy of confidential patient records, including compliance with applicable Federal HIPAA regulations.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.003(11)(a), 465.016(1)(l), 465.0196 FS. History—New 2-23-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 5, 2017

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-9.002	Registration, Document Submission
5J-9.0021	Student Tour Operator
5J-9.006	Security Requirement
5J-9.008	Enforcement Actions and Administrative Penalties

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. 43 No. 42, March 2, 2017 issue of the Florida Administrative Register.

5J-9.002 Registration, Document Submission.

(1) Any person who intends to operate as a seller of travel shall submit FDACS-10200, Sellers of Travel Registration Application, Rev. 04/17 ~~02/17~~, hereby incorporated by

reference, along with the applicable non-refundable registration fee specified by Section 559.928(2), F.S., to the department at the time of registration. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref->. Businesses may also apply or renew their license online at www.FreshFromFlorida.com.

(2) No change.

(3) An independent agent claiming an exemption from registration shall file with the department FDACS-10211, Sellers of Travel Independent Sales Agents Application Statement of Exemption, Rev. 02/17, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref->_____.

(4) No change.

Rulemaking Authority 559.9355(3), 570.07(23) FS. Law Implemented 559.928, 559.9295(16), 559.935(3) FS. History—New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98, 10-21-03, 3-29-12, 4-5-15,_____.

5J-9.0021 Student Tour Operator.

A seller of travel seeking to be an approved student tour operator pursuant to s. 559.9281, F.S., must register or be registered as a seller of travel pursuant to subsection 5J-9.002(1), F.A.C., and must submit FDACS-10214, Sellers of Travel Student Tour Operator, 02/17, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference>

(1) No change.

(2) A student tour operator and any employee, agent, or independent contractor of the student tour operator whose duties may lead to contact with students must maintain a current Level 2 security clearance with the Florida Department of Education in accordance with the Jessica Lunsford Act, ss. 1012.465-1012.468, F.S.

(3) through (5) No change.

Rulemaking Authority 559.9281(2), 559.9355(3), 570.07(23) FS. Law Implemented 559.9281 FS. History—New _____.

5J-9.006 Security Requirement.

(1) Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the department an original performance bond in an amount determined by subsection (2) below. The applicant shall utilize the Surety Bond form, included in FDACS-10200 Sellers of Travel Registration Application, Rev. 04/17 02/17, incorporated by reference in Rule 5J-9.002, F.A.C.

(2) The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the a Security Reduction Application Request included in FDACS-10200 Sellers of Travel Registration Application, Rev. 04/17, incorporated by reference in Rule 5J-9.002, F.A.C., and providing copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. ~~A sample Security Reduction Request may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500 or accessed online at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Travel-Sales>.~~

To qualify for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel's dollar amount of gross annual sales, as follows:

(a) through (c) No change.

(3) The amount of the security for a newly established business or a business under new ownership shall be \$25,000; however, the seller of travel may apply to reduce its security to \$10,000 by submitting the a Security Reduction Application included in FDACS-10200 Sellers of Travel Registration Application, Rev. 04/17, incorporated by reference in Rule 5J-9.002, F.A.C. Request. To be eligible for a reduction in security, a newly established seller of travel must meet the following criteria:

(a) through (c) No change.

(4) No change.

(5) If filing a bond pursuant to Section 559.929, F.S., the applicant shall use the form included in FDACS-10200,

Sellers of Travel Registration Application, Rev. 04/17 ~~02/17~~, incorporated by reference in Rule 5J-9.002, F.A.C.

(6) No change.

Rulemaking Authority 559.929(2), (3), 559.9355(3), 570.07(23) FS. Law Implemented 559.929 FS. History—New 2-8-94, Amended 6-4-95, 11-6-95, 12-27-95, 2-11-98, 10-21-03, 4-5-15,_____.

5J-9.008 Enforcement Actions and Administrative Penalties.

No change.

Rulemaking Authority 559.9355(3), 570.07(23) FS. Law Implemented 559.9355, 570.971(4) FS. History—New 4-5-15, Amended 5-25-16,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

RULE NO.: 61N-2.012
 RULE TITLE: Application for Out-of-State Prescription Drug Wholesale Distributor Permit
 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. 43 No. 68, April 7, 2017 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

The Department will revise the rulemaking authority to include section 499.041(2)(b).

The Department will remove section 499.001 from the laws implemented by this section.

Section III- Ownership Information
 Page 7, Number 1-8:

The Division will revise the form incorporated by reference DBPR-DDC-214, Application for Out-of-State Prescription Drug Wholesale Distributor Permit, effective March 2017, to comply with section 499.012(8) and request information on persons who own 5 percent or more of the outstanding stock or equity interest in the entity instead of 10 percent.

The Division will revise the form incorporated by reference DBPR-DDC-214, Application for Permit as an Out-of-State Prescription Drug Wholesale Distributor to include the Personal Information Statement as required by 499.012(9)(a)1. through 12. and the Personal Information Statement to be signed under oath in compliance with section 499.012(9)(b).

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Dinah Greene, Operations Review Specialist, Division of Drugs, Devices and Cosmetics, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1047; (850)717-1802; Dinah.Greene@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

RULE NO.: 61N-2.016
 RULE TITLE: Application for Prescription Drug Wholesale Distributor Permit
 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. 43 No. 68, April 7, 2017 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

The Department will revise the rulemaking authority to include section 499.041(2)(b).

The Department will remove section 499.001 from the laws implemented by this section.

Section III- Ownership Information
 Page 7, Number 1-8:

The Division will revise the form incorporated by reference DBPR-DDC-213, Application for Permit as a Prescription Drug Wholesale Distributor Permit, effective March 2017, to comply with section 499.012(8) and request information on persons who own 5 percent or more of the outstanding stock or equity interest in the entity instead of 10 percent.

The Division will revise the form incorporated by reference DBPR-DDC-213, Application for Permit as a Prescription Drug Wholesale Distributor to include the Personal Information Statement as required by 499.012(9)(a)1. through 12. and the Personal Information Statement to be signed under oath in compliance with section 499.012(9)(b).

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Dinah Greene, Operations Review Specialist, Division of Drugs, Devices and Cosmetics, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1047; (850)717-1802; Dinah.Greene@myfloridalicense.com.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-27.003 Florida Endangered and Threatened Species
List; Prohibitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 88, May 5, 2017 issue of the Florida Administrative Register.

The notice of proposed rule did not specify in the notice the effective dates of the listing. The Notice is corrected to include the following, the Miami tiger beetle became a listed Federally Endangered Species effective November 4, 2016 and the Suwannee moccasinshell became a listed Federally Threatened Species effective November 7, 2016.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-4.620 Health and Safety Checklists

NOTICE IS HEREBY GIVEN that on May 23, 2017, the Office of Early Learning received a petition for permanent waiver from Rule 6M-4.620, F.A.C., as it relates to the height requirement of stable walls or barriers as adopted within the Health and Safety Handbook. The petition was received from Ark Angels Christian Preschool, Inc. The Office will accept comments concerning the Petition for fourteen (14) days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Margaret O'Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, Florida, 32399; Maggi.Parker@oel.myflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On April 6, 2017 the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, from Quality Inn Airport Cruise Port located in Tampa. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers only. They are requesting to utilize bathrooms located on a different level.

The Petition for this variance was published in Vol. 43, No. 68, F.A.R., on April 7, 2017. The Order for this Petition was signed and approved on May 23, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located on the second floor are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, hand wash sign and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed in the main restaurant area clearly stating the location of the bathrooms.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On May 15, 2017, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from NQC Miami LLC located in Miami Lakes. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 43, No. 95 on May 16, 2017. The Order for this Petition was signed and approved on May 23, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Anacapri Miami Lakes Italian Restaurant (6125 Miami Lakes Drive, E. Miami Lakes, FL 33014), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of OQC Craft Beer & Grub (NQC Miami LLC) and/or Anacapri Miami Lakes Italian Restaurant (Anacapri Miami Lakes, LLC) changes, an updated signed agreement for use of the bathroom facilities will be required immediately. A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI Notice of Meetings, Workshops and Public Hearings

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 1, 2017, 1:00 p.m., ET
PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: All responses to be publicly opened in regards to the Invitation to Negotiate, ITN 17-01, Index Replication for the Stanley G. Tate Florida Prepaid College Program and the Florida 529 Savings Plan.

A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email at ITNinfo.PrePaid@MyFloridaPrepaid.com.

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 ITN Administrator at the email address

provided above. 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).

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: Monday, June 5, 2017, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at www.floridapsc.com.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under Hot Topics on the home page. Cancellation can also be confirmed by calling: the Office of Commission Clerk at (850)413-6770.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: Monday, June 5, 2017, immediately following the Commission Conference which commences at 1:30 p.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Room 105, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters affecting Commission operations. Internal Affairs Agendas and FPSC contact information is available at www.floridapsc.com.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under Hot Topics on the home page. Cancellation can also be confirmed by calling: the Office of Commission Clerk at (850)413-6770.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 6, 2017, 9:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To support the reduction of our nation's dependence on imported oil by discussing and promoting the region's use of alternative fuels and alternative fuel vehicles through the Southeast Florida Clean Cities Coalition.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council.

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 1 day before the workshop/meeting by contacting: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Natalia Neira at nneira@sfrpc.com or (954)985-4416.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida and Treasure Coast Regional Planning Councils announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 12, 2017, 1:30 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regional stakeholder meeting to re-examine enhanced highway and rail options, and economic development opportunities offered by the U.S. 27 Highway Corridor.

A copy of the agenda may be obtained by: writing to the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021; or emailing sfadmin@sfrpc.com.

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 writing to the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021, or emailing sfadmin@sfrpc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may write to the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021; or email sfadmin@sfrpc.com.

METROPOLITAN PLANNING ORGANIZATIONS

Martin Metropolitan Planning Organization

The Local Coordinating Board for the Transportation Disadvantaged (LCB-TD) announces a public meeting to which all persons are invited.

DATE AND TIME: June 5, 2017, 10:00 a.m.

PLACE: 2401 SE Monterey Road, 4th Floor Workshop Conference Room, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Transportation Coordinator (CTC) Evaluation; Transportation Disadvantaged Service Plan (TDSP) Annual Report and consideration of transportation services for the Transportation Disadvantaged.

A copy of the agenda may be obtained by contacting: www.martinmpo.com.

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 3 days before the workshop/meeting by contacting: Bolivar Gomez, Planner, Title VI/Non-discrimination contact, (772)288-5412. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Bolivar Gomez, Planner, Title VI/Non-discrimination contact, (772)288-5412.

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority
 The Peace River Manasota Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2017, 9:30 a.m.

PLACE: Charlotte County Administration Center, Commission Chambers, Room 119, 18500 Murdock Circle, Port Charlotte, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: the Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, (941)316-1776 or email: peacriver@regionalwater.org or at www.regionalwater.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. 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).

SPACE FLORIDA

Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: June 1, 2017, 2:00 p.m. – 4:00 p.m., Eastern Time

PLACE: DoubleTree By Hilton, 101 S Adams St., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Space Florida Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Emma Newsham at anewsham@spaceflorida.gov or (321)730-5301, ext. 231.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Emma Newsham at anewsham@spaceflorida.gov

or (321)730-5301, ext. 231. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Emma Newsham at anewsham@spaceflorida.gov or (321)730-5301 ext. 231.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 23, 2017, 10:00 a.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, Conference Room “A”, 2727 Mahan Drive, Tallahassee, FL

This meeting will also be available via online webinar which requires a telephone for audio. To join the webinar, please use the following link and webinar ID: <https://register.gotowebinar.com/register/1910091773382249985>, webinar ID: (726)733-883. **AUDIO:** Participants can use their telephone for audio and are muted upon calling in. Participants cannot be unmuted without their audio pin. Audio PINs are shown after joining the webinar. United States (toll-free): 1(877)309-2071, access code: (702)718-898. If you have any difficulty accessing the teleconference, please call the Florida Center’s main number at: (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: the agenda will be posted on the Agency website seven (7) days prior to the meeting: <http://ahca.myflorida.com/SCHS/CommitteesCouncils/SCHIP/chismetings.shtml>.

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: Jennifer Miller, Florida Center for Health Information and Policy Analysis at Jennifer.Miller@ahca.myflorida.com or (850)412-3735. 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).

For more information, you may contact: Jennifer Miller, Florida Center for Health Information and Policy Analysis at Jennifer.Miller@ahca.myflorida.com or (850)412-3735.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners Deputy Pilot Advancement Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 1, 2017, 9:00 a.m.

PLACE: 1(888)670-3525, participant pass code: 7004064007#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

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: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 16, 2017, 10:00 a.m.

PLACE: Toll-free number: 1(888)670-3525, 990 808 6106

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <http://floridasnursing.gov/meeting-information/>.

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: The Board of Nursing. If you are hearing or speech

impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILIES

Refugee Services

The Orlando Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 14, 2017, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, 133 S. Semoran Blvd., Apopka A, Orlando, FL 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Taddese Fessehaye at (407)317-7335.

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: Taddese Fessehaye at (407)317-7335. 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).

For more information, you may contact: Taddese Fessehaye at (407)317-7335.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Fish & Wildlife Foundation of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: June 6, 2017, 2:00 p.m. – 4:00 p.m.

PLACE: The public may participate in the call in Suite 100, Marathon Building, 2574 Seagate Dr., Tallahassee, FL Please call (850)921-1144 for admittance into the Marathon Building.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Fish & Wildlife Foundation of Florida will conduct administrative business of the Foundation including the President update, Marketing update and Financial update.

A copy of the agenda may be obtained by contacting: Mr. Will Bradford, P.O. Box 11010, Tallahassee, Florida 32302, (850)921-1144.

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).

For more information, you may contact: Mr. Will Bradford, P.O. Box 11010, Tallahassee, Florida 32302, (850)921-1144.

WILLIAM W. "BILL" HINKLEY CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The Hinkley Center for Solid and Hazardous Waste Management announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, May 31, 2017, 9:00 a.m.; Thursday, June 1, 2017, 9:00 a.m.; Friday, June 2, 2017, 9:00 a.m.

PLACE: Avanti Resort, Conference Room, 8738 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Research Selection Committee will meet on Wednesday, May 31, 2017 and Thursday, June 1, 2017 to hear presentations from investigators who were invited to submit full proposals. The RSC will use this as a means to formulate a recommendation for funding.

The Hinkley Center Advisory Board will meet on Friday, June 2, 2017. The Research Selection Committee Chair will make a presentation to the Advisory Board regarding their recommendation for funding. The Advisory Board will take action regarding the recommendation by the RSC.

A copy of the agenda may be obtained by contacting: John Schert, jschert@ufl.edu, (352)392-6264.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: John Schert, jschert@ufl.edu, (352)392-6264. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or

hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: John Schert, jschert@ufl.edu, (352)392-6264.

FLORIDA INDEPENDENT LIVING COUNCIL

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, June 5, 2017, 10:00 a.m.

MEETING: Adhoc Committee Meeting

PLACE: Call-in number: 1(888)670-3525, code: 5073148497; 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and Task Force Meetings: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to: Jenny Bopp at the council address.

A copy of the agenda may be obtained by contacting: (850)488-5624 or toll-free: 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: June 7, 2017, 10:00 a.m. (ET)

PLACE: Pelican Grand Beach Resort, 2000 N. Ocean Blvd., Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; legal, legislative & regulatory matters; financial and operations reports to include a critical claim and resource management presentation; and committee reports on return of premium dividend; Policyholder Dividend Policy; program to eliminate 2016 Subplan D deficit; 2017 loss ratio selection; Operations Manual; review of rates, rating plans & policy forms and associated matters to include application forms. 2016 operations report; collection services engagement; disaster recovery matters; agency authorization process; Agency Producer Agreement; agency producer termination, suspension or revocation; agency producer fees; report on

agency producer activities; 2016 financial audit; update on federal tax matters; Audit Committee Charter procedures checklist; financial auditor confirmation; 2017-2018 Investment Committee meeting schedule; investment marketplace update; investment portfolio compliance review; review of policy & guidelines for the investment of assets & associated matters; investment manager engagement; safety program; and market assistance plan.
 A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC
 The Florida Department of Transportation announces a hearing to which all persons are invited.
DATE AND TIME: June 7, 2017, 6:00 p.m.
PLACE: Westland Gardens Park, Large Meeting Room, 13501 NW 107 Avenue, Hialeah Gardens, FL 33018
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Florida Department of Transportation (FDOT) District Six will host a public hearing for a roadway reconstruction project along SR 25/US 27/Okeechobee Road from east of NW 117 Avenue to east of NW 107 Avenue, in Miami-Dade County. Construction is expected to begin in November 2019 and last for about three years. The estimated construction cost of the project is \$30 million.
 A copy of the agenda may be obtained by contacting: Richard Denis, (305)573-0089.

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: Hong Benitez, P.E., (305)470-5219; in writing to FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at Hong.Benitez@dot.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).
 For more information, you may contact: Richard Denis, (305)573-0089.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC
 The Florida Department of Transportation announces a public meeting to which all persons are invited.
DATE AND TIME: June 7, 2017, 6:00 p.m. – 8:00 p.m.
PLACE: Sherbondy Village, Auditorium, 215 N. Perviz Avenue, Opa-Locka, FL 33054
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Florida Department of Transportation (FDOT) District

Six will hold a public meeting for a roadway safety project along State Road (SR) 916/NW 135 Street between Cairo Lane and Sesame Street, in Miami-Dade County. The project identification number is 439522-1-52-01. The meeting will begin as an open house, from 6:00 p.m. – 8:00 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Public Information Specialist Rodolfo Roman at (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

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: Hong Benitez, P.E. at (305)470-5219, in writing to FDOT, 1000 NW 111 Avenue, Miami, FL 33172, or by email at Hong.Benitez@dot.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).
 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).

For more information, you may contact: Public Information Specialist Rodolfo Roman at (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

FLORIDA IS FOR VETERANS INC.
 The Florida Is For Veterans, Inc. announces a public meeting to which all persons are invited.
DATE AND TIME: May 30, 2017, 2:00 p.m., ET
PLACE: www.uberconference.com/veteransflorida | dial-in: (877)619-2945 | no PIN needed
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Staff Performance Metrics, Performance Based Raise Policy, and the allocation of funding for a Strategic Plan.
 A copy of the agenda may be obtained by contacting: Bobby Carbonell.

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: (850)898-1444. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or

hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Bobby Carbonell at carbonell@veteransflorida.org or (850)898-1444.

FLORIDA IS FOR VETERANS INC.

The Florida Is For Veterans, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: May 31, 2017, 9:00 a.m.

PLACE: Capitol Room I, Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Gathering of Network Partner Universities/Colleges that participated in the FY16-17 Veterans Florida Entrepreneurship Program. Veterans Florida staff will lead an After Action Review of the year's program and discuss plans for FY17-18.

A copy of the agenda may be obtained by contacting: Jimmy Smith at smith@veteransflorida.org.

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: (850)898-1444. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jimmy Smith at smith@veteransflorida.org or (850)898-1444.

Section VII

**Notice of Petitions and Dispositions
Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has received the petition for declaratory statement from LOGIC TECHNOLOGY DEVELOPMENT LLC on May 18, 2017. The petition seeks the agency's opinion as to the applicability of section 210.25(12), Florida Statutes, as it applies to the petitioner.

Petitioner seeks a declaratory statement from the Division as to whether its product, VapeLeaf, an electronic device for tobacco consumption, combining vapor technology with

granulated tobacco, is a tobacco product pursuant to section 210.25(12), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Department of Business Regulation, Agency Clerk's Office, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1183, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Magdalena Ozarowski, Esq., Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, Magdalena.Ozarowski@myfloridalicense.com. DS #: 2017-029 DBPR Ref #: 2017-024640.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that The Florida Building Commission has received the petition for declaratory statement from Faour Glass Technologies. The petition seeks the agency's opinion as to the applicability of Section 1609.1.2, Florida Building Code 5th Ed. (2014), as it applies to the petitioner.

Petitioner seeks clarification as to whether TAS 201, 202, and 203 require large missile impact tests to occur at structural silicone joints.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com or W. Justin Vogel, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1795, wjustin.vogel@myfloridalicense.com.

RESPONSES, MOTIONS TO INTERVENE, OR REQUESTS FOR A HEARING MUST BE FILED WITHIN 21 DAYS OF THIS NOTICE.

DEPARTMENT OF HEALTH

Board of Dentistry

NOTICE IS HEREBY GIVEN that the Board of Dentistry has received the petition for declaratory statement from Nova Southeastern University, Romer Ocanto, DDS, and William Parker, DDS, filed on May 18, 2017. The petition seeks the agency's opinion as to the applicability of Sections 466.002(6) and 466.017, F.S., as it applies to the petitioner.

The Petitioners seek a Declaratory Statement from the Board with regard to whether the licensure exemption for dental instructors at Florida schools of dentistry found in Section 466.002(6), Florida Statutes, is also applicable to the general anesthesia, conscious sedation, pediatric conscious sedation, and nitrous oxide inhalation analgesia permitting requirements found in Section 466.017, F.S. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or by email at info@floridasdentistry.gov.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

Florida Developmental Disabilities Council
2017-SA-14300 DD Network Collaborative Leadership Program

REQUEST FOR PROPOSALS (FDDC #2017-SA-14300)

DD Network Collaborative Leadership Program

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2017-SA-14300) is released to implement a leadership training program to build the next generation of top leaders among self-advocates and institutional leaders. The selected provider will utilize existing national leadership training curriculum and materials or may need to facilitate the creation of an appropriate training curriculum specifically for Florida if no existing training meets the project’s criteria. In addition to the provision of training, the selected provider will deliver technical assistance to the training participants and facilitate at least one face-to-face, follow-up meeting or training of the leadership cadre.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside a maximum of \$100,000 federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The exact amount of this contract will be developed during contract negotiations. Copies of this RFP can be downloaded from the FDDC website (www.fddc.org), or may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, FL 32301 or by calling: (850)488-4180, toll-free: 1(800)580-7801 or TDD toll-free: 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is June 8, 2017 by 4:00 p.m. (ET). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of June 12, 2017. The deadline for submitting proposals for this RFP to FDDC is July 12, 2017 by 2:00 p.m. (ET).

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE REGISTER AND ON THE FDDC WEB PAGE (fddc.org) ON MAY 24, 2017.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO CAROLYN WILLIAMS.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

**Index of Administrative Rules Filed
with the Secretary of State**

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Wednesday May 17, 2017 and 3:00 p.m., Tuesday May 23, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
53ER17-27	5/18/2017	5/18/2017
53ER17-28	5/18/2017	5/18/2017
53ER17-29	5/18/2017	5/18/2017
53ER17-30	5/18/2017	5/18/2017
61G18-12.007	5/22/2017	6/11/2017
61G19-1.009	5/19/2017	6/8/2017
63G-1.020	5/19/2017	6/8/2017
63G-1.021	5/19/2017	6/8/2017
63G-1.022	5/19/2017	6/8/2017
63G-1.023	5/19/2017	6/8/2017
63G-1.024	5/19/2017	6/8/2017
64B13-4.009	5/22/2017	6/11/2017
65A-1.603	5/17/2017	6/6/2017
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/*****
40B-9.041	12/21/2016	**/**/*****
40B-9.126	12/21/2016	**/**/*****
40B-9.131	12/21/2016	**/**/*****

40B-9.1381	12/21/2016	**/**/*****
40B-9.1411	12/21/2016	**/**/*****
40B-9.142	12/21/2016	**/**/*****
40B-9.145	12/21/2016	**/**/*****
40B-9.123	12/9/2016	**/**/*****
58M-2.009	2/9/2017	**/**/*****
60FF1-5.009	7/21/2016	**/**/*****
64B8-9.009	6/15/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.100	12/19/2016	**/**/*****
69L-7.501	12/19/2016	**/**/*****

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF BATCHED APPLICATION RECEIPT AND NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of May 17, 2017.

County: Miami-Dade District: 11

CON #10486 Application Receipt Date: 5/17/2017

Facility/Project: OpusCare of South Florida

Applicant: Comprehensive Home Health Care, Inc.

Project Description: Establish a new 13-bed freestanding inpatient hospice facility

County: Miami-Dade District: 11

CON #10487 Application Receipt Date: 5/17/2017

Facility/Project: VITAS Healthcare Corporation of Florida

Applicant: VITAS Healthcare Corporation of Florida

Project Description: Establish a new 16-bed freestanding inpatient hospice facility

County: Orange District: 7-SA3

CON #10488 Application Receipt Date: 5/17/2017

Facility/Project: Florida Hospital

Applicant: Adventist Health System/Sunbelt, Inc.

Project Description: Establish a pediatric liver transplantation program

County: Orange District: 7-SA3

CON #10489 Application Receipt Date: 5/17/2017

Facility/Project: Nemours Children’s Hospital
Applicant: The Nemours Foundation
Project Description: Establish a pediatric liver transplantation program

Section XIII
Index to Rules Filed During Preceding
Week

County: Miami-Dade District: 11-SA4
CON #10490 Application Receipt Date: 5/17/2017
Facility/Project: Baptist Hospital of Miami
Applicant: Baptist Hospital of Miami, Inc.
Project Description: Establish an adult autologous and allogeneic bone marrow transplantation program

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: CON #'s 10486 and 10487 District: 11
DATE/TIME: Wednesday, July 12, 2017, 1:00 p.m. – 4:00 p.m.
PLACE: Health Council of South Florida, Inc.
Conference Room
8095 NW 12th Street, Suite 300
Doral, Florida 33126

PROPOSALS: CON #'s 10488 and 10489 District: 7-SA3
DATE/TIME: Wednesday, July 5, 2017, 10:00 a.m. – 1:00 p.m.
PLACE: Cypress Room – 3rd Floor
Orlando Public Library
101 East Central Boulevard
Orlando, Florida 32801

PROPOSALS: CON #10490 District: 11-SA4
DATE/TIME: Monday, July 10, 2017, 2:00 p.m. – 4:00 p.m.
PLACE: Health Council of South Florida, Inc.
Conference Room
8095 NW 12th Street, Suite 300
Doral, Florida 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida, 32308, attention Marisol Fitch, by 5:00 p.m., June 7, 2017. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(3), F.A.C., written comments must be received by June 28, 2017.