

Section I
 Notice of Development of Proposed Rules
 and Negotiated Rulemaking

NONE

Section II
 Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5B-57.013 Industrial Hemp Planting Permits

PURPOSE AND EFFECT: Section 1004.4473, Florida Statutes, directs the Department to adopt rules for the certification and registration of sites used for growth or cultivation of industrial hemp pilot projects by eligible Florida universities. This rulemaking will adopt those requirements.

SUMMARY: Industrial hemp pilot project regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon the fact that there is no fee for the permit or application. Additionally, no interested party submitted additional information regarding the economic impact.

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: 570.07(23), 581.031(4), (5), 1004.4473(3), FS.

LAW IMPLEMENTED: 581.031, 581.038, 1004.4473, 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: Dr. Greg Hodges; Greg.Hodges@FreshFromFlorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-57.013 - Industrial Hemp Planting Permits

(1) Pursuant to Section 1004.4473, F.S., and in accordance with 7 U.S.C. Section 5940, the Department shall authorize and oversee the development of Industrial Hemp Pilot Projects (Pilot Project) for the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, and any other land grant university in the state that has a college of agriculture. Section 1004.4473(2)(a), F.S., provides that the purpose of the Pilot Project is to cultivate, process, test, research, create, and market safe and effective commercial agricultural applications for Industrial Hemp (*Cannabis sativa*), which is a potentially invasive plant species and is a threat to the plant life of this state if not properly controlled. The definitions provided in Section 1004.4473, F.S., shall apply to this rule.

(2) A university shall not cultivate Industrial Hemp pursuant to Section 1004.4473, F.S., except under an Industrial Hemp Special Permit issued by the Department’s Division of Plant Industry.

(a) A university seeking an Industrial Hemp Planting Permit shall submit an Industrial Hemp Pilot Project Proposal that consists of the following information:

1. A description of the scope, design, and objectives of the proposed Pilot Project.

2. A description of the varieties of Industrial Hemp that will be used in the project and a plan that shall ensure that all seed for cultivation of Industrial Hemp shall be:

a. Accompanied by documentation that the crop from which the seed were harvested had a THC analysis of 0.3% or less by dry weight.

b. Tagged with a certification statement providing the variety, origin, and quantity on each separate container of seed.

3. A list of Qualified Program Personnel and university staff involved in the proposed Pilot Project, including the university employee that will be designated as the lead oversight manager. The university shall provide the work address, phone numbers, and email for the oversight manager. The university shall also describe how it intends to meet the requirements of Section 1004.4473(5)(b), F.S.,

4. A description of the proposed facility location(s) by address and GPS coordinates and security measures. The university shall provide a detailed aerial map of the research, cultivation, processing, and testing facility location(s), identifying research plots, limited and general access areas, buildings (with a description of the activities conducted within

each), boundaries, and security measures to prevent access by unauthorized parties.

5. An Environmental Containment Plan for each proposed facility location, which must include the following:

a. A containment system of traps, filters, silt fences or berms, or a fallow area consisting of bare earth or ground cover to prevent the Industrial Hemp from spreading through ditches, natural waterways, or other drainage.

b. The use of dedicated equipment for the facility or a plan to clean any equipment used on the site of all debris before it is moved from the property.

c. Wildfire protection measures to mitigate fire risk and damages to surrounding areas.

d. A transportation and movement plan that ensures that the Industrial Hemp (at all grow stages) is covered and moved in full containment during transport from noncontiguous locations. The university shall notify the Department of its intent to move the Industrial Hemp to request an inspection of the transport containment apparatus. The Department shall inspect the apparatus, suggest improvements to prevent potential exposures, if needed, and authorize the movement.

e. A detailed statement of the estimated costs of removing and destroying the plants prior to vacating the property or ending production.

6. A plan to maintain the chain of control of Hemp Material for the proposed Pilot Project, to provide a testing schedule to ensure Hemp Material does not exceed 0.3% concentration of THC at harvest, and to provide a destruction process for any Hemp Material that does not comply with the requirements of this rule or Section 1004.4473, F.S.

7. A plan to perform an economic impact analysis of the proposed Pilot Project on the state's agricultural sector.

8. A genetic research plan to ensure that any psychotropic compounds will not be synthesized.

9. A description of how the proposed Pilot Project will maintain compliance with other applicable state and federal laws. The university shall identify the applicable laws based on the design of their projects.

10. Written authorization from the university's board of trustees authorizing the proposed Pilot Project.

11. If the proposed Pilot Project will be conducted on non-state owned lands, proof that the university has written permission from the land owner to utilize the land for Industrial Hemp plantings for the duration of the life of the proposed Pilot Project.

12. Pursuant to Section 581.083(4)(a)1., Florida Statutes, proof of a bond or certificate of deposit as described in Rule 5B-57.011(3), F.A.C. Each University shall provide proof of each bond or certificate of deposit by submitting with the Pilot Project Proposal either the form entitled Non-Native Species Planting Bond, FDACS 08439 (Rev. 01/13), as incorporated in

Rule 5B-57.011, F.A.C., or Assignment of Certificate of Deposit for Non-Native Species Planting, FDACS 08440 (Rev. 01/13), as incorporated in Rule 5B-57.011, F.A.C., as appropriate.

(b) A separate Pilot Project Proposal shall be required for each noncontiguous growing location.

(c) A new Pilot Project Proposal will be required if a new or additional planting (contiguous or noncontiguous) exceeds ten percent (10%) of the existing permitted acreage or if any additional varieties will be added to the Pilot Project.

(3) As part of the Department's review of the Pilot Project Proposal, the Department will visit the proposed Pilot Project location(s), at a time agreed upon with the university, to perform an onsite evaluation of the Environmental Containment Plan. If additional environmental containment measures are identified by the Department, the university shall complete an Industrial Hemp Special Planting Permit Addendum that shall describe the additional measures to be implemented by the university to ensure environmental containment of the proposed Pilot Project.

(4) If a Pilot Project Proposal meets the requirements of Sections 581.083 and 1004.4473, F.S. and this rule, the Department's Division of Plant Industry will issue an Industrial Hemp Planting Permit to the university.

(5) The university Pilot Project oversight manager shall immediately notify the Department in writing if the university or its Qualified Project Partner fails to meet or comply with any portion of Section 1004.4473, F.S. or this rule. It is the responsibility of the property owner or permit holder to destroy the planting prior to vacating the property or stopping production. If the Department determines any of the factors of Section 581.083(4)(c), F.S., exist, the Department will issue an immediate final order requiring the immediate removal and destruction of the Pilot Project. Failure of the permit holder to remove and destroy the Industrial Hemp within 60 days of the order will result in action by the Department against the permit holder's bond or certificate of deposit as described in Section 581.083(4)(d), F.S.

Rulemaking Authority 570.07(23), 581.031(4), (5), 1004.4473(2), FS. Law Implemented 581.031, 581.083, 1004.4473, FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Trevor Smith

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 01-10-2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 15, 2017

DEPARTMENT OF REVENUE

RULE NO.: 12-18.008
 RULE TITLE: Compensation for Vending Machine Violations

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-18.008, F.A.C., is to remove the requirement for vending machine operators to post a specified notice on vending machines, as provided in Section 24 of Chapter 2017-36, L.O.F.

SUMMARY: The proposed amendments to Rule 12-18.008, F.A.C., removes references to the requirement that vending machine operators post a notice on vending machines that dispense food and beverages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 212.0515(7), 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 212.0515, 213.30 FS.

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

DATE AND TIME: February 7, 2018, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Becky Avrett at (850)617-6799. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6309.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-18.008 Compensation for Vending Machine Violations

(1) No change.

(2) Operators of vending machines must be registered with the Department of Revenue, ~~and must affix a notice to each food or beverage machine which contains the Notice to Customers,~~ as provided in Rule 12A-1.044, F.A.C.

(3) Any person who provides information showing that an operator of a vending machine has failed to register with the Department of Revenue ~~affix the required notice~~ may be eligible for compensation.

(a) through (b) No change.

(4) No change.

(5)(a) All claims for a reward relating to an operator's failure to register with the Department of Revenue ~~affix the required notice~~ must include the following information:

1. through 5. No change.

(b) No change.

(6) through (7) No change.

Rulemaking Authority 212.0515(7), 213.06(1), 213.30(1) FS. Law Implemented 212.0515, 213.30 FS. History—New 5-11-92, Amended 10-19-99, 6-1-09, 5-9-13, 7-28-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tammy Miller

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2017

DEPARTMENT OF REVENUE

RULE NO.: 12-21.203
 RULE TITLE: Notification to Custodians; Custodial Responsibilities

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-21.003, F.A.C., is to bring the rule into compliance with Section 213.67, F.S.

SUMMARY: The proposed revisions to Rule 12-21.203, F.A.C., clarify the information provided on a Notice of Freeze

to custodians exercising control or possession of a delinquent taxpayer's assets.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 206.18(4), 213.67, 443.1316 FS.

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

DATE AND TIME: February 7, 2018, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Becky Avrett at (850)617-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6309

THE FULL TEXT OF THE PROPOSED RULE IS:

12-21.203 Notification to Custodians; Custodial Responsibilities.

(1) No change.

(2) The Notice of Freeze will state the Department's authority to initiate the garnishment procedure; specifically identify the delinquent taxpayer subject to garnishment; ~~specify the amount of tax, fee, surcharge, penalty, interest, administrative fees, and costs of collection owed by the taxpayer;~~ indicate the dates during which the freeze of assets is effective; specify the amount of the delinquent taxpayer's assets that must be frozen by the custodian; and describe the custodian's responsibilities pursuant to Section 213.67, F.S., and this rule.

(3) The Notice of Freeze informs the custodian of the following:

(a) No change.

(b) The Notice of Freeze is effective as of the date of its receipt, and remains in effect until the custodian receives a subsequent notice from the Department with further instructions ~~consents to a transfer or disposition~~, or until sixty (60) days have elapsed from the date of its receipt. ~~However, i~~ If the delinquent taxpayer contests the intended levy in circuit court or under Chapter 120, F.S., within the time period specified under Section 213.67, F.S., the Department will notify the custodian that the Notice of Freeze will remain in effect until a final resolution is achieved.

(c) No change.

(4) through (5) No change.

(6) If, during the time period prescribed by this notice, the delinquent taxpayer satisfies the delinquent liability ~~for taxes, fees, surcharges, penalties, interest, administrative fees, or costs of collection~~, the Department will issue a Notice of Release. Upon receipt of the Notice of Release, the custodian is no longer prohibited from transferring, returning, or disposing of any assets owned, controlled by, or owed to the taxpayer that are in the custodian's possession or control.

(7) No change.

Rulemaking Authority 213.06(1) FS. Law Implemented 206.18(4), 213.67, 443.1316 FS. History--New 6-16-93, Amended 3-31-99, 6-28-00, 3-12-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tammy Miller

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2017

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-26.003	Application for Refund
12-26.004	Refund Approval Process
12-26.008	Public Use Forms
12-26.009	Refund/Offset Within an Audit

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-26.003, F.A.C., is to: (1) remove obsolete provisions for obtaining a refund of tax paid prior to July 1, 1999; (2) update information on how to submit an application for refund to the Department; (3) provide that a refund claim for a corporate income/franchise tax refund may be claimed on an Amended Florida Corporate Income/Franchise Tax Return; (4) remove obsolete provisions for refunds of the emergency excise tax that was repealed; (5) remove provisions for obtaining a refund of intangible tax on obsolete Form DR-26I; (6) remove provisions regarding applications for certain sales tax refunds that are redundant of other administrative rules; (7) clarify the taxpayer’s information required when applying for a tax refund; (8) update the Department’s privacy notice; (9) clarify that a complete refund application includes information and documentation to enable the Department to determine the taxpayer’s eligibility for a refund and the amount of the refund claim due; and (10) remove the recitation of the provisions of section 213.255, F.S., regarding a cash bond or a security bond.

The purpose of the proposed amendments to Rule 12-26.004, F.A.C., is to provide that when an applicant submits information regarding a refund application by e-mail, the e-mail submission date will be used for purposes of determining the date an application for refund is considered complete.

The purpose of the proposed amendments to Rule 12-26.008, F.A.C., is to: (1) adopt, by reference, updates to the applications for refunds; (2) adopt, by reference, two new forms that provide instructions on how to complete the application for refund and provide the information and documentation required for taxpayers to establish eligibility for a tax refund and the amount of the refund claim due for common tax refunds; (3) adopt, by reference, updates to the mutual agreement for an audit or confirmation of a tax refund claim to be performed at the taxpayer’s location; (4) to adopt, by reference, a form used by taxpayers to apply for certification by the Department of Economic Opportunity for a refund of sales tax paid on the purchase of building materials, the rental of tangible personal property, and payment for pest control services used in new construction located in a rural area of opportunity; and (5) remove an obsolete form previously used to obtain a refund of intangible personal property tax.

The purpose of the proposed amendments to Rule 12-26.009, F.A.C., is to reflect the repeal of the emergency excise tax and remove provisions that are no longer necessary.

SUMMARY: The proposed amendments incorporate revisions to the rules and forms used to administer the Department’s Refund Process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 213.06(1), 213.23 FS.

LAW IMPLEMENTED: 72.011, 95.091, 199.183, 199.218(5), 201.11, 202.125, 202.23, 206.41, 206.64, 206.8745, 206.97, 206.9815, 206.9875, 206.9941, 206.9942, 212.02(15)(a), (19), 212.05(1)(a)1.b., 212.06(5)(a)1., (7), 212.07(1), 212.08(2)(j), (5), (7), 212.09, 212.11(4), (5), 212.12(6)(a), (c), 212.13(1), (2), 212.12(4), 212.17(1), (2), (3), 212.183, 213.235, 213.25, 213.255, 213.34, 213.345, 215.26, 220.725, 220.727, 624.5092, 681.104 FS.

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

DATE AND TIME: February 7, 2018, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Becky Avrett at (850)617-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6309

THE FULL TEXT OF THE PROPOSED RULE IS:

12-26.003 Application for Refund.

~~(1)(a) Taxes Paid On or After October 1, 1994, and Before July 1, 1999:~~

~~Except as otherwise provided by Section 213.345, F.S., the application for refund as required by Section 215.26, F.S., shall be filed with the Department within five years after the date the tax was paid, or the right to the refund is barred.~~

~~(b) Taxes Paid On or After July 1, 1999:~~

~~Except as otherwise provided by Section 213.345, F.S., for the tolling of the refund period, the application for refund required by Section 215.26, F.S., must be filed with the Department within three years after the date the tax was paid, or the right to the refund is barred.~~

~~(2)(a) No change.~~

~~(b) Applications for refund must be filed with the Department by submitting the completed application to the Department;~~

~~1. Online at taxapps.floridarevenue.com/Refunds/; or~~

~~2. Mailed to using the address or instructions contained within the application.~~

~~(3) Form DR-26, Application for Refund (incorporated by reference in Rule 12-26.008, F.A.C.), is the approved refund application for all taxes collected by the Department, except as follows:~~

~~(a) COMMUNICATIONS SERVICES TAX. A refund claim for communications services tax must be made directly to the dealer that collected that tax, as provided in Section 202.23, F.S. A refund claim may be made to the Department using Form ~~form~~ DR-26, Application for Refund, only under the following circumstances:~~

~~1. through 2. No change.~~

~~(b) CORPORATE INCOME TAX. Refunds claimed under Chapter 220 or 221, F.S., must be filed with the Department on the following forms:~~

~~1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return, Form or form F-1120A, Florida Corporate Short Form Income Tax Return, or Form F-1120X, Amended Florida Corporate Income/Franchise Tax Return (all forms incorporated by reference in Rule 12C-1.051, F.A.C.).~~

~~2. through 3. No change.~~

~~(c) through (d) No change.~~

~~(e) INTANGIBLE PERSONAL PROPERTY TAX. All refunds claimed under Chapter 199, F.A.C., must be filed with~~

~~the Department on form DR 26I, Application for Refund-Intangible Personal Property Tax (incorporated by reference in Rule 12-26.008, F.A.C.).~~

~~(e)(f) No change.~~

~~(f)(g) SALES AND USE TAX, DISCRETIONARY SALES SURTAX, SURCHARGES, AND FEES. A refund claimed for sales and use taxes, discretionary sales surtaxes, surcharges, and fees imposed or administered under Chapter 212, F.S., must be filed with the Department on Form ~~form~~ DR-26S, Application for Refund-Sales and Use Tax (incorporated by reference in Rule 12-26.008, F.A.C.). An Application for Refund Sales and Use Tax that is filed under the provisions of Sections 212.08(5)(g), (h), (n), (o), and (q), F.S., must contain the forms and other documentation specified in Rule 12A-1.107, F.A.C., to be deemed complete.~~

~~(4) Applications for refund that as described herein which are not properly completed will not be considered filed for the purpose of tolling the statutory provisions of Section 215.26, F.S., or for the purpose of the payment of interest under the conditions prescribed in Sections 213.235 and 213.255, F.S. The Department will ~~shall~~ notify the applicant of the incomplete application and the necessary actions, corrections, of information needed to complete it within 30 consecutive calendar days of receiving the incomplete application. For the purposes of this rule, a completed application is defined as an application which contains all of the following information:~~

~~(a) The taxpayer's current business name, and business mailing address, and physical location of business, if different from the mailing address;~~

~~(b) 1. The taxpayer's federal taxpayer identification number, or social security number, business partner number, and/or Florida tax registration or license number, and/or audit number, if available;~~

~~2. Social security numbers are used by the Florida Department of Revenue as unique identifiers for the administration of Florida's taxes. Social security numbers obtained for tax administration purposes are confidential under sections 213.053 and 119.071, F.S., and not subject to disclosure as public records. Collection of social security numbers is authorized under state and federal law. Visit the Department's website site at www.floridarevenue.com and select "Privacy Notice" for more information regarding the state and federal law governing the collection, use, or release of social security numbers, including authorized exceptions;~~

~~(c) through (d) No change.~~

~~(e) Information and documentation that which will enable the Department to determine eligibility for the refund and verify the amount of the refund claim due requested. This information must include all data which was required to be submitted on the original or original amended tax return associated with the refund application.~~

(f) through (h) No change.

~~(5)(a) The Department is empowered, pursuant to Section 213.255, F.S., to require that the applicant provide a cash bond or surety bond to protect the state's financial position in cases when the Department pays a refund claim before completing an audit of the claim.~~

(b) Section 213.255, F.S., also authorizes the Department to accept the following alternative security arrangements to the cash bond or surety bond discussed in paragraph (a):

1. An assigned time deposit; or,
2. An irrevocable letter of credit.

Rulemaking Authority 213.06(1) FS. Law Implemented 95.091(3), 198.29(1), 199.232(5), 202.23, 213.235, 213.255, 213.34, 213.345, 215.26, 220.725, 624.5092, 624.511, 624.518 FS. History—New 11-14-91, Amended 4-18-93, 4-18-95, 4-2-00, 10-4-01, 9-28-04,_____.

12-26.004 Refund Approval Process.

(1) through (2) No change.

(3)(a) For the purpose of implementing the 90 consecutive calendar day interest provision required pursuant to Section 213.255, F.S., and this rule, an application will be considered complete when all information or corrections requested from the applicant are received by the Department, based on the postmark date, fax date, e-mail submission date, or date of hand-delivery of such requested information.

(b) No change.

(4) No change.

Rulemaking Authority 213.06(1), 213.23 FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS. History—New 11-14-91, Amended 4-2-00, 10-4-01,_____.

12-26.008 Public Use Forms.

(1)(a) The following public use forms are used by the Department in the processing of refunds and are hereby incorporated by reference.

(b) These forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's website at www.floridarevenue.com/forms; or, 2) calling the Department at 850-488-6800 Monday through Friday (excluding holidays); or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671; or, 5) downloading selected forms from the Department's Internet site stated in the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Florida Relay Service at (800) 955-8770 (Voice) and (800) 955-8771 (TTY).

Form Number	Title	Effective Date
(2) 26	DR-Application for Refund (R. <u>06/03</u>) (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>09/04</u>
(3) 26I	DR-Application for Refund-Intangible Personal Property Tax (N. <u>06/03</u>)	09/04
(4) 26S	DR-Application for Refund-Sales and Use Tax (R. <u>01/03</u>) (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>09/04</u>
(4)(5) DR-370026	Mutual Agreement to Audit or Verify Refund Claim (R. <u>07/02</u>) (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>09/04</u>
(5) 26N	DR-Instructions – Application for Refund (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>01/18</u>
(6) 26SN	DR-Instructions – Application for Refund Sales and Use Tax (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>01/18</u>
(7) RAO	Rural Areas of Opportunity Application for Certification Exempt Goods and Services Sales Tax Refund Based on s. 212.08(5)(r), F.S. (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	<u>01/18</u>

Rulemaking Authority 213.06(1) FS. Law Implemented 72.011, 199.183, ~~199.185~~, 199.218(5), 201.11, 202.125, 202.23, 206.41, 206.64, 206.8745, 206.97, 206.9815, 206.9875, 206.9941, 206.9942, 212.02(15)(a), (19), 212.05(1)(a)1.b., 212.06(5)(a)1., (7), 212.07(1), 212.08(2)(j), (5)(f), ~~(g), (h), (q)~~, (7), 212.09, 212.11(4), (5), 212.12(6)(a), (c), 212.13(1), (2), 212.12(4), 212.17(1), (2), (3), 212.183, 213.255(2), (3), (4), (12), 213.34, 215.26, 220.725, 220.727, 624.5092, 681.104 FS. History—New 11-14-91, Amended 4-18-93, 10-4-01, 9-28-04,_____.

12-26.009 Refund/Offset Within an Audit.

(1) through (4) No change.

~~(5) Procedures When Auditing Corporate Income Tax and Emergency Excise Tax Only – Same Audit Period.~~

~~(a) For purposes of this rule, corporate income tax and emergency excise tax are considered one tax category. Therefore, when auditing corporate income tax and emergency excise tax for the same audit period, any underpayment or overpayment found in corporate income tax during a filing period is added to or offset against any underpayment or overpayment found in emergency excise tax during the same filing period. The net result of a filing period is then carried forward and added to or offset against the net result of the~~

~~following filing period(s) under audit to determine the final audit findings.~~

~~(b) Overpayments shall be applied to underpayments in the following order:~~

- ~~1. To any accrued tax;~~
- ~~2. To any accrued interest; and,~~
- ~~3. To any accrued penalty.~~

~~(c) Example: A taxpayer's corporate income tax and emergency excise tax are included on an audit for the tax periods January 1988 through December 1992. The following information is revealed on the audit:~~

Tax		Tax <Over>	
Category	Period	Under Paid	Interest
Corporate	12/88	\$ 1,000.00	\$ 0.00
Emergency Excise	12/88	<3,000.00>	0.00
Net Result			<500.00>
Corporate	12/89	500.00	0.00
Emergency Excise	12/89	1,000.00	0.00
Net Result			<500.00>

~~The 12/88 overpayment in emergency excise tax is offset against the 12/88 underpayment in corporate income tax. The remaining overpayment is carried forward to be offset against later underpayments within the audit period. The 12/88 net overpayment is offset against the 12/89 underpayments in corporate income tax and emergency excise tax. Since the final result of the audit is an overpayment and the entire amount of the overpayment is outside the statute of limitations for refund, the remaining overpayment is barred from any additional refund or credit.~~

(6) through (8) renumbered (5) through (7) No change.

Rulemaking Authority 213.06(1) FS. Law Implemented 72.011, 95.091, 213.25, 213.34, 215.26 FS. History—New 4-18-95, Amended .

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tammy Miller

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2017

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.012	Reposessed Merchandise and Bad Debts
12A-1.0144	Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.012, F.A.C., is to: (1) remove the recitation of statutory provisions regarding the taxability of sales made on any kind of deferred payment plan; (2) clarify that the repossession and redemption of tangible personal property is not subject to tax; (3) consolidate provisions for obtaining a credit or refund of tax paid on reposessed items, including motor vehicles; (4) clarify when a tax credit or refund may be obtained by a dealer who sold property that is subsequently reposessed when the dealer holds a security interest in the property by contract; (5) provide how to obtain a refund or credit of tax paid on reposessed tangible personal property and the information and documentation required to establish the right to a refund or credit; and (6) remove unnecessary provisions for dealers that obtain payment from a common carrier for damages of items sold by the dealer.

The purpose of the proposed repeal of Rule 12A-1.0144, F.A.C., is to bring the rule into compliance with the expiration of Section 212.08(7)(hhh), F.S., effective July 1, 2016, which provided for a refund of sales tax paid for purchases of certain types of equipment, machinery, and other materials for renewable energy technologies.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to (1) consolidate two forms, Forms DR-95A and DR-95B, currently used to determine the amount of sales tax refund due on reposessed tangible personal property and reposessed motor vehicles, into a single form; (3) incorporate statutory elimination of the \$5.00 registration fee required of persons that submit a Florida Business Tax Application (Form DR-1), as provided in Section 29 of Chapter 2017-36, L.O.F. and (4) incorporate statutory elimination of the \$30.00 registration fee required of owners or operators of drycleaning and dry drop-off facilities that submit a Florida Business Tax Application (Form DR-1), as provided in Section 42 of Chapter 2017-36, L.O.F.

SUMMARY: The proposed amendments incorporate revisions to sales tax and use tax rules and forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.05(1), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0601, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (5), (6), (9), (12), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.255, 213.29, 212.35, 213.37, 213.755, 215.26, 219.07, 288.1258, 290.00677, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), FS.

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

DATE AND TIME: February 7, 2018, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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: Becky Avrett at (850)617-6799. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6309.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.012 Repossessed Merchandise and Bad Debts.

~~(1) The full amount of tax on credit sales, installment sales, or sales made on any kind of deferred payment plan, shall be due at the moment of the transaction in the same manner as a cash sale.~~

~~(1)(2)~~ Repossessions:

(a) The repossession of tangible personal property by the seller or the lienholder is not subject to tax.

(b) The redemption of repossessed tangible personal property by the debtor prior to the sale of the repossessed property is not subject to tax.

(c) The subsequent sale of repossessed tangible personal property is subject to tax.

~~(d)(a)~~ A dealer who collected and remitted ~~has paid~~ sales tax to the Department in full on the selling price of tangible personal property sold under a retail installment, title loan, retain title, conditional sale, or similar contract in which the dealer retains a security interest in the property may, upon repossession of the property ~~(with or without judicial process)~~, take credit on a subsequent tax return for, or obtain a refund of, that portion of the tax that is applicable to the unpaid balance of the contract. The credit or refund is shall be based on the ratio that the total tax bears to the unpaid balance of the sales price, excluding finance or other nontaxable non-taxable charges, ~~as reflected in the sales contract. A Refund or credit or refund~~ must be claimed within 12 months following the month in which the property was repossessed.

~~(e)(b)~~ Tangible personal property (excluding motor vehicles): When a dealer claims a tax credit or a refund of tax paid on tangible personal property sold and repossessed, the dealer by him, he must complete a in detail Form DR 95A, Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Tangible Personal Property Repossessed (Form DR-95B, incorporated by reference in Rule 12A-1.097, F.A.C.), ~~and certify thereon that he was the seller of the tangible~~

personal property described therein; that Florida sales and use tax was remitted to the Florida Department of Revenue; and that such property was repossessed by him. In those instances where the tangible personal property was financed by a third party, the dealer must show that he repurchased the contract before applying for a tax credit under this paragraph.

(e) Motor Vehicles:

~~(f)1. The~~ When a dealer may claim ~~claims a tax credit or refund on tangible personal property, including any aircraft, boat, mobile home, a motor vehicle, or any other titled property sold by the dealer for which the dealer holds a security interest in the property under the terms of a retail installment, title loan, retain title, conditional sale, or similar contract when:~~

~~1. The dealer sold the property and remitted him, he shall complete in detail Form DR-95B, Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Motor Vehicles (incorporated by reference in Rule 12A-1.097, F.A.C.), and certify thereon that he was the seller of the specifically described vehicle; that the Florida sales and use tax was remitted to the Florida Department of Revenue;~~

~~2. The dealer financed the property, or the property was financed by a financing institution with recourse;~~

~~3. The property was that he subsequently repossessed upon default of the terms of the contract by the purchaser of the property vehicle; and~~

~~4. The dealer acquired and that he reacquired ownership of the repossessed property (e.g., certificate of title or other evidence establishing possession and ownership of the repossessed property) thereof and acquired certificate of title thereto after default by the purchaser. Documents, such as copies of reacquired titles, shall be maintained by the dealer to support his claim for the tax credit.~~

~~(g)2. When claiming a tax credit or refund In those instances where the motor vehicle was financed by a third party, the dealer must shall complete a in detail Form DR-95B, Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Tangible Personal Property Motor Vehicles, (Form DR-95B, incorporated by reference in Rule 12A-1.097, F.A.C.). When claiming a tax credit, the completed Form DR-95B must be retained with the dealer's applicable sales and use tax return. When claiming a tax refund, a Sales and Use Tax Application for Refund (Form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.), the completed Form DR-95B, and the information and documentation required to be included with Form DR-26S must be filed with the Department, and certify thereon that he was the seller of the specifically described vehicle; that the Florida sales and use tax was remitted to the Florida Department of Revenue; that he repurchased the contract; and that he received a repossession title on each vehicle from the lender. (Repossession title, as used herein, means a title acquired by the lien holder lender~~

from the Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, and assigned by the lender to the dealer.) Documents, such as copies of repossession titles and checks to repurchase contracts, shall be maintained by the dealer to support the claim for tax credit.

~~(d) The information required on Forms DR-95A, Schedule of Florida Sales or Use Tax Credits Claimed on Tangible Personal Property Repossessed, and Form DR-95B, Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Motor Vehicles, shall include the following:~~

~~1. Customer's name;~~

~~2. Description of tangible personal property or motor vehicle identification;~~

~~3. Date tax remitted to Department by seller;~~

~~4. Amount of tax paid;~~

~~5. Sales price, less trade in, less cash discount;~~

~~6. Sales price, less trade in, less cash down;~~

~~7. Term of contract;~~

~~8. Amount of each monthly payment, excluding finance charges (item 6 divided by item 7);~~

~~9. Amount of sales tax included in each monthly payment (multiply amount in item 8 by the tax rate);~~

~~10. Number of unpaid installments at time of repossession by seller;~~

~~11. Tax credit due (multiply item 9 by item 10, less the collection allowance taken at the time the tax was originally paid to the state);~~

~~12. Date of repossession.~~

~~(h)(e) Dealers must retain documentation required to establish the right to a credit or refund, including the retail installment, title loan, retain title, conditional sale, or similar contract, and documents establishing ownership or title to the property after repossession. The records required in this subsection must be maintained by the dealer until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S., and must shall be made available to the Department upon request.~~

~~(3) No change.~~

~~(4) The sale of repossessed merchandise is taxable.~~

~~(5) If a dealer is reimbursed by a common carrier for damage to merchandise on which he has previously paid tax, the dealer is entitled to a refund of such tax on the amount reimbursed. For example: The dealer paid his supplier \$500 for merchandise and remitted \$30 tax thereon to the state. Later, he was reimbursed \$100 by the carrier to cover damages to the goods. The dealer is entitled to a refund of \$6 overpayment of tax. If the carrier also reimburses the dealer for tax he has paid, then the dealer is not entitled to a tax refund.~~

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.06(1), 212.13(2), 212.17(1), (2), (3), 212.18(2), 213.35, 215.26 FS. History-Revised 10-7-68, Amended 1-17-71,

Revised 6-16-72, Amended 2-21-77, 9-28-78, 7-20-82, Formerly 12A-1.12, Amended 12-13-88, 2-16-93,_____.

12A-1.0144 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(7)(hhh), 213.255 FS. History–New 1-17-13, Repealed_____.

12A-1.097 Public Use Forms.

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

(a) through (b) No change.

Form Number	Title	Effective Date
(2)(a) DR-1	Florida Business Tax Application (R. 01/18 4/45) (http://www.flrules.org/Gateway/reference.asp?No=Ref-04849)	01/18 04/45

(b) 1N	DR-Instructions for Completing the Florida Business Tax Application (Form DR-1) (R. 01/18 4/45) (http://www.flrules.org/Gateway/reference.asp?No=Ref-04851)	01/18 04/45
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(c) No change

(3) through (12) No change.

(13)(a) DR-95A	Schedule of Florida Sales or Use Tax Credits Claimed on Tangible Personal Property Repossessed (R. 04/95)	06/01
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(b) 95B	DR-Schedule of Florida Sales or Use Tax Credits Claimed on Tangible Personal Property Motor Vehicles (R. 01/18 4/09) (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)	06/01
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(14) through (19) No change.

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 213.755, 215.26(2), 219.07, 288.1258, 290.00677, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History-New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 1-11-16, 4-5-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tammy Miller

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2017

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV

Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

NONE

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Florida Folklife Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 25, 2018, 9:00 a.m. to conclusion

PLACE: Gallery for Innovation and the Arts, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Folklife Council to review accomplishments and discuss long range goals.

A copy of the agenda may be obtained by contacting: Amanda Hardeman, (850)245-6427,

Amanda.Hardeman@dos.myflorida.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 48 hours before the workshop/meeting by contacting Amanda Hardeman, (850)245-6427, Amanda.Hardeman@dos.myflorida.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 contact Amanda Hardeman, (850)245-6427, Amanda.Hardeman@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council, Bee Removal Workgroup announces the cancellation of the following public meeting (notice of this meeting was published January 11, 2018 in Vol. 44, No. 8, F.A.R., notice ID 19941180):

DATE AND TIME: Friday, February 2, 2018, 9:30 a.m. – 1:00 p.m.

PLACE: Division of Plant Industry, 1911 SW 34th St, Gainesville, FL 32608, 1(888)397-1517

For more information, you may contact Ms. Sarah Oglesby, Chief, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650, (850)617-7997, Sarah.Oglesby@FreshFromFlorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Agricultural Feed, Seed and Fertilizer Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2018, 10:00 a.m.

PLACE: IFAS Plant Science Research and Education Center, 2556 West Highway 318, Citra, Florida 32113 or via GoToMeeting at

<https://global.gotomeeting.com/join/236415733>; 1(888)670-3525, participant code 4118982807#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council discusses and makes recommendations regarding actions to be taken with respect to the regulation and enforcement of agricultural feed, seed and fertilizer.

A copy of the agenda may be obtained by contacting: The Bureau of Licensing and Enforcement, (850)617-7997 or from the Council website [http://www.freshfromflorida.com/Divisions-](http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Business-)

[Offices/Agricultural-Environmental-Services/Business-](http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Business-)

Services/Agricultural-Feed-Seed-and-Fertilizer-Advisory-Council.

For more information, you may contact: Ms. Sarah Oglesby, Chief, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650, (850)617-7997, Sarah.Oglesby@FreshFromFlorida.com.

STATE BOARD OF ADMINISTRATION

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 29, 2018, 8:30 a.m. ET – conclusion of business (please note new time; previously noticed in Vol. 44, No. 9, F.A.R.)

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee (please note new time).

For more information regarding this meeting, please see <http://www.sbafla.com>.

A copy of the agenda may be obtained by contacting Kimberly Calhoun, (850)413-1243, kimberly.calhoun@sbafla.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 7 days before the workshop/meeting by contacting Jim Moore, (850)413-1164, jim.moore@sbafla.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).

EXECUTIVE OFFICE OF THE GOVERNOR

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

DATE AND TIME: Monday, January 22, 2018, 4:00 p.m. until all business is complete

PLACE: Hotel Duval, Tallahassee, FL - Onyx Boardroom, 415 N Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting Savannah Kelly, (850)414-7400.

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 Savannah Kelly, (850)414-7400. 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 Savannah Kelly, (850)414-7400.

EXECUTIVE OFFICE OF THE GOVERNOR

The Correctional Medical Authority announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2018, 9:00 a.m.

PLACE: Reception Medical Center Conference Room, 77765 County Road 231, Lake Butler, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Executive Director, Correctional Medical Authority, 400 South Monroe St., Tallahassee, FL 32399, (850)717-9500.

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 calling (850)717-9500. 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).

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The West Florida Local Emergency Planning Committee (LEPC) Quarterly Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 24, 2018, 10:00 a.m.

PLACE: Escambia County Emergency Operations Center, 3575 North W St., Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the West Florida Local Emergency Planning Committee (LEPC). Subcommittees of the LEPC will convene at 9:00 a.m.

A copy of the agenda may be obtained by contacting: Jessica Sunday at (850)332-7976, ext. 205, or Jessica.Sunday@wfrpc.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: Staff at (850)332-7976. 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: Jessica Sunday at (850)332-7976, ext. 205, or Jessica.Sunday@wfrpc.org.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Bay Area Resource Council Board announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2018, 3:30 p.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Road, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Bay Area Resource Council Board. The Technical Advisory Committee (TAC) will meet prior to the board at 1:30 p.m. in the same location.

A copy of the agenda may be obtained by contacting: Katie Wilhelm, katie.wilhelm@wfrpc.org, (850)332-7976, ext. 280.

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: Brittany Ellers at brittany.ellers@wfrpc.org or (850)332-7976, ext. 220. 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 Katie Wilhelm, katie.wilhelm@wfrpc.org, (850)332-7976, ext. 280.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: January 25, 2018, 7:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.
DATE AND TIME: January 25, 2018, 6:00 p.m.
PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the Executive Committee of the North Central Florida Regional Planning Council.
A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.
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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.
DATE AND TIME: January 25, 2018, 6:00 p.m.
PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.
A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.
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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, January 24, 2018, 9:00 a.m.
PLACE: Commission on Ethics, 325 John Knox Rd., Building E, Suite 200, Tallahassee, Florida 32303
GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.
A copy of the agenda may be obtained by contacting www.ethics.state.fl.us or (850)488-7864.
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: (850)488-7864. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers
The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.
DATE AND TIME: January 31, 2018, 10:00 a.m.
PLACE: Hyatt Place Orlando Airport, 5435 Forbes Place, Orlando, FL 32812
GENERAL SUBJECT MATTER TO BE CONSIDERED: Training for the new board chair and vice chair.
A copy of the agenda may be obtained by contacting Rebecca Sammons, rsammons@fbpe.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 10 days before the workshop/meeting by contacting Rebecca Sammons. 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 Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine
The Board of Chiropractic Medicine announces a telephone conference call to which all persons are invited.
DATE AND TIME: March 6, 2018, 1:00 p.m.
PLACE: Conference call number 1(888)670-3525, participant code 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Probable Cause Panel.

A copy of the agenda may be obtained at <http://floridaschiropracticmedicine.gov/>.

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 Brandi.May@flhealth.gov. 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 Brandi.May@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

The Board of Chiropractic Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2018, 8:30 a.m.

PLACE: Radisson Resort Orlando, 2900 Parkway Boulevard, Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board Business, to include licensure and discipline.

A copy of the agenda may be obtained at <http://floridaschiropracticmedicine.gov/>.

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 Anthony.Spivey@flhealth.gov. 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: Anthony.Spivey@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2018, 9:00 a.m.

PLACE: Charlotte Behavioral Health, 1700 Education Avenue, , Conference Room # 1, Punta Gorda

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Ongoing Charlotte County Community Alliance business.

A copy of the agenda may be obtained by contacting Stephanie Jones, (239)895-0257.

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 Stephanie Jones, (239)895-0257. 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 Stephanie Jones, (239)895-0257.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2018, 12:00 Noon

PLACE: Collier County Government Complex, 3301 Tamiami Trail East, Building L, Fifth Floor, Naples

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Ongoing Collier County Community Alliance business.

A copy of the agenda may be obtained by contacting Stephanie Jones, (239)895-0257.

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 Stephanie Jones, (239)895-0257. 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).

FLORIDA SURPLUS ASSET FUND TRUST

The Florida Surplus Asset Fund Trust announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2018, 10:00 a.m.

PLACE: Akerman LLP Offices

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Florida Surplus Asset Fund Trust 10151 University Blvd., #227, Orlando, Florida 32817

Board of Trustees

Florida Surplus Asset Fund Trust

AGENDA

This Board of Trustees meeting for Florida Surplus Asset Fund Trust will be held on Thursday, January 25, 2018 at 10:00 a.m. at Akerman LLP, offices of Mike Williams, Esq., FL SAFE Counsel, CNL Center II Building, 420 South Orange Avenue,

Suite 1200, Orlando, Florida 32801. Complimentary coffee and breakfast and parking provided at 10:00 a.m. (see attached).

Conference Call Number 1(800)201-2375

MEETING OF THE BOARD OF TRUSTEES

AGENDA ITEMS

Participation Code: 365753#

January 25, 2018

1. Call to Order/Roll Call
2. Public Comments
3. Participant and Guest Introductions
4. Approval Prior Board Meeting Minutes – July 27, 2017, September 28, 2017, October 26, 2017
5. Nominations for Board Chair, Vice Chair, Secretary, Treasurer, Advisory Council Liaison
6. Investment Advisor/Operations Manager Update - PMA
 - (a) Economic and Market Update
 - (b) FL SAFE LGIP Portfolio Update Comparative Market Review
 - (c) Operations Manager Report
 - (d) Board Ratification of Term Series
 - (e) Update FL SAFE Variable NAV Fund, Future Term Series
 - (f) PMA Comments
7. Administrator Update- FMAS
 - (a) Ten Year Anniversary, 2018 Objectives
 - (b) Fee Waiver Review/Update
 - (c) FMAS Comments
8. FLSAFE Counsel’s Comments
9. Participants’ Comments
10. Advisory Committee Members’ Comments
11. Board Members’ Comments

SET NEXT MEETING DATE/ ADJOURNMENT

1. Future meeting dates: April 2018, July 2018, October 2018
 I look forward to discussing the items during the meeting. In the meantime, if you have any questions, please do not hesitate to contact either Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.com or me at (954)597-3550.

Very truly yours,
 /S/ Mark C. Mason, CPA

Mark C. Mason, CPA, Chairman

A copy of the agenda may be obtained by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com, (407)496-1597.

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 24 hours before the workshop/meeting by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com, (407)496-1597. 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: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com, (407)496-1597.

HDR ENGINEERING, INC. - PENSACOLA

The Florida Department of Transportation (FDOT) announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, February 13, 2018, 5:30 p.m. – 6:30 p.m. Central Time

PLACE: Marie K. Young Wedgewood Community Center, 6405 Wagner Road, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT will hold a public workshop regarding noise barrier wall improvements for Project Number 222476-1-32-02; State Road 8 (Interstate 10) at State Road 95 (U.S. 29) Interchange Ultimate Improvements, Escambia County.

A copy of the agenda may be obtained by contacting: No agenda. The workshop will be held in an open-house format. FDOT representatives will be available to answer questions and receive comments. There will not be a presentation.

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: Eric Saggars, P.E., FDOT Project Manager, at (850)415-9001. 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: Eric Saggars, P.E., FDOT Project Manager, (850)415-9001, esaggars@hntb.com; or Ian Satter, District 3 Public Information Director, toll-free at 1(888)638-0250, extension 1205, ian.satter@dot.state.fl.us.

COMPREHENSIVE ENGINEERING SERVICES, INC.

The Florida Department of Transportation, District Three, announces a hearing to which all persons are invited.

DATE AND TIME: January 23, 2018, 5:30 p.m. – 6:30 p.m. (CT)

PLACE: Pensacola Public Library, 239 N. Spring St. Pensacola, FL 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of this project is to provide access management modifications on State Road (S.R.) 30 (U.S. 98 Business/West Garden Street) at the intersection of Barrancas Avenue. Improvements include: The closure of South D Street adjacent

to the Siemens property, installation of raised grassed medians between E and C Streets; providing a directional opening at D Street, and upgrading the traffic signal to a mast arm. Also proposed are pedestrian safety features, new crosswalks, sidewalk construction, and lighting at the intersection. The project is anticipated to begin summer 2018 and take approximately three months to complete, weather permitting.

A copy of the agenda may be obtained by contacting: Brian Pettis, FDOT Project Manager, (850)330-1275, brian.pettis@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 Brian Pettis, FDOT Project Manager, (850)330-1275, brian.pettis@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).

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

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**

NONE

**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 3:00 p.m., Monday, January 8, 2017 and 3:00 p.m., Friday, January 12, 2018. 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
40C-1.603	1/12/2018	2/1/2018
41-2.010	1/9/2018	1/29/2018
53ER18-2	1/11/2018	1/11/2018
53ER18-3	1/11/2018	1/11/2018
53ER18-4	1/11/2018	1/11/2018
53ER18-5	1/11/2018	1/11/2018
53ER18-6	1/11/2018	1/11/2018
59A-8.004	1/12/2018	2/1/2018
60S-1.003	1/11/2018	1/31/2018
60S-1.0045	1/11/2018	1/31/2018
60S-1.0051	1/11/2018	1/31/2018
60S-1.0052	1/11/2018	1/31/2018

60S-1.00535	1/11/2018	1/31/2018
60S-1.00537	1/11/2018	1/31/2018
60S-1.00539	1/11/2018	1/31/2018
60S-1.0055	1/11/2018	1/31/2018
60S-1.008	1/11/2018	1/31/2018
60S-2.0042	1/11/2018	1/31/2018
60S-2.008	1/11/2018	1/31/2018
60S-2.011	1/11/2018	1/31/2018
60S-2.014	1/11/2018	1/31/2018
60S-3.015	1/11/2018	1/31/2018
60S-3.016	1/11/2018	1/31/2018
60S-3.017	1/11/2018	1/31/2018
60S-4.021	1/11/2018	1/31/2018
60V-3.005	1/11/2018	1/31/2018
60Y-5.0011	1/11/2018	1/31/2018
61G6-5.011	1/12/2018	2/1/2018
61H1-26.003	1/11/2018	1/31/2018
61H1-26.004	1/11/2018	1/31/2018
61H1-26.005	1/11/2018	1/31/2018
61H1-36.004	1/11/2018	1/31/2018
61H1-38.005	1/11/2018	1/31/2018
64B16-27.700	1/8/2018	1/28/2018
64B27-1.001	1/11/2018	1/31/2018
64B27-1.002	1/11/2018	1/31/2018
64B27-1.003	1/11/2018	1/31/2018
69A-37.062	1/10/2018	1/30/2018
69C-3.004	1/12/2018	2/1/2018
69C-3.006	1/12/2018	2/1/2018
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

40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.100	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need
EXEMPTION

The Agency for Health Care Administration approved the following exemption on January 11, 2018 pursuant to Section 408.036(3), Florida Statutes:

ID # E180001 District: 8 (Lee County)

Facility/Project: Lehigh Regional Medical Center

Applicant: Prime Healthcare Services - Lehigh Acres, LLC

Project Description: Add 27 adult psychiatric beds through the conversion of 27 acute care beds

Proposed Project Cost: \$2,500,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary
Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Office of Medical Marijuana Use Notice of Proposed Regulation

The Department of Health, Office of Medical Marijuana Use hereby provides notice of its proposed regulation pursuant to the Department's authority under Article X, Section 29, of the Florida Constitution and consistent with section 381.986, Florida Statutes. The person to be contacted regarding the proposed regulation or to submit comments is: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE TEXT OF THE PROPOSED REGULATION IS:

2-1.04 Renewal Application Requirements for Medical Marijuana Treatment Centers

Pursuant to Article X, Section 29 of the Florida Constitution and consistent with section 381.986(8)(b), F.S., each licensed medical marijuana treatment center that meets the requirements and desires to be renewed as a medical marijuana treatment center shall submit a renewal application to the department using DH8017-OMMU-12/2017, "Application for Medical Marijuana Treatment Center License Renewal," herein incorporated by reference and available at <http://www.floridahealth.gov/programs-and-services/office-of-medical-marijuana-use/rules-and-regulations/index.html>. The completed renewal application must include the following:

- (a) A non-refundable renewal fee of \$60,063.00.
- (b) Written documentation from the Department of State or the Department of Revenue, as applicable under Florida Law, demonstrating that the renewal applicant has been registered to do business in Florida for the prior five consecutive years and that the renewal applicant possesses a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to section 581.131, F.S. The name of the renewal applicant must match the name on any documents provided in accordance with this paragraph. A renewal applicant who was licensed consistent with section 381.986(8)(a)2.b., F.S., is exempt from this requirement.
- (c) A list of all owners, officers, board members, and managers indicating the date of each individual's most recent background screening consistent with section 381.986(9), F.S., within the calendar year prior to renewal. Each owner, officer, board member, and manager shall go to the Florida Department of Law Enforcement (FDLE) or one of its approved vendors for fingerprinting and, at such time, shall give to FDLE or the FDLE approved vendor the entity ORI number FL924890Z (DOH – OFFICE OF MEDICAL MARIJUANA USE). The report will be sent directly to the Office of Medical Marijuana Use. To be eligible for renewal, all of the renewal applicant's owners, officers, board members, and managers must have successfully passed a background screening consistent with section 381.986(9), F.S. within the previous year.
- (d) The employment of a medical director who is a physician licensed pursuant to Chapter 458 or 459, F.S., to supervise the activities of the medical marijuana treatment center.
- (e) A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in section 288.703, F.S., or veteran business enterprises, as defined in section 295.187, F.S., in the renewal applicant's ownership, management, and employment. The diversity plan must demonstrate and include information addressing the effectiveness of the following:
 1. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;
 2. Efforts to recruit minority persons and veterans for employment; and

3. Records of contracts for services with minority business enterprises and veteran business enterprises.

(f) A completed renewal inspection as detailed in subsection (5) below.

(g) Written documentation demonstrating that the renewal applicant is actively dispensing product to qualified patients. Medical marijuana treatment centers may provide point of sale records from the previous quarter to meet this requirement.

(2) If the renewal applicant intends to claim any exemption from public records disclosure under section 119.07, F.S., or any other exemption from public records disclosure provided by law for any part of its renewal, it shall indicate on the renewal materials the specific sections for which it claims an exemption and the statutory basis for the exemption. The renewal applicant shall submit a redacted copy of the renewal application and materials redacting those items identified as exempt.

(3) Failure to submit the \$60,063.00 renewal fee or the documentation detailed in paragraphs (1)(b) - (g) is grounds for denial. Renewal applicants failing to submit the fee will be notified by the department and provided 5 business days to cure the deficiency. Failure to submit the \$60,063.00 fee or required documents shall result in the denial of the renewal application.

(4) Applications for renewal must be consistent with and be in compliance with the renewal applicant's applications for licensure, as well as any subsequent amendments approved by the department. Renewal applicants may not submit application amendment requests as part of the renewal application.

(5) Within 15 days of the receipt of an "Application for Medical Marijuana Treatment Center License Renewal," the department shall schedule a renewal inspection for each of the renewal applicant's facilities. The application for renewal shall not be deemed complete until the completion of all renewal inspections.

(a) Within 15 days of the completion of all inspections, the department shall notify the renewal applicant of any omissions, deficiencies, or violations noted during the inspections. To be considered by the department, responses to the deficiency notification or additional information must be submitted by the renewal applicant within 21 days.

(b) Within 30 days of receipt of any additional information submitted by the renewal applicant, the department shall determine whether the omissions, deficiencies, or violations have been addressed.

(6) Failure to address any noted omissions, deficiencies or violations shall be grounds for denial of renewal. In addition, any deficiencies or violations that are grounds for revocation or denial pursuant to Department of Health Regulation 2-1.02, shall be grounds for denial of renewal.

(7) Renewal applicants licensed prior to January 1, 2017 shall submit an "Application for Medical Marijuana Treatment

Center License Renewal,” in accordance with Emergency Rule 64ER17-8(7) (effective 12/20/17) and biennially beginning on January 15, 2020. All other renewal applicants shall submit an “Application for Medical Marijuana Treatment Center License Renewal,” biennially on January 15 following the two-year anniversary of the receipt of its license.

(8) Any “Application for Medical Marijuana Treatment Center License Renewal,” and all required fees and materials shall be delivered to the Office of Medical Marijuana Use, 4052 Bald Cypress Way, Bin M-01, Tallahassee, Florida 32399.

Regulation Authority Art. X, § 29(d), Fla. Const. History- New

Section XIII

Index to Rules Filed During Preceding Week

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.
